

OVERTURES,

Concerning The

DISCIPLINE

AND

Method of Proceeding,

IN

Ecclesiastick Jurisdictions

IN THE

CHURCH of SCOTLAND:

Humbly tendered to the Consideration of the
Several Presbyteries, and to be by them
prepared for the next, or some Ensuing
General Assembly.

Psalm. 124. Ye have taken my King, upon my holy hill of Zion.

Matthew. 23. 13. and ye men is ye devour widows and the Ruins of the Poor.

20. Ye priests have and made all nations, saying, I will be the King of the Nation, and of the Son, and of the Holy Ghost.

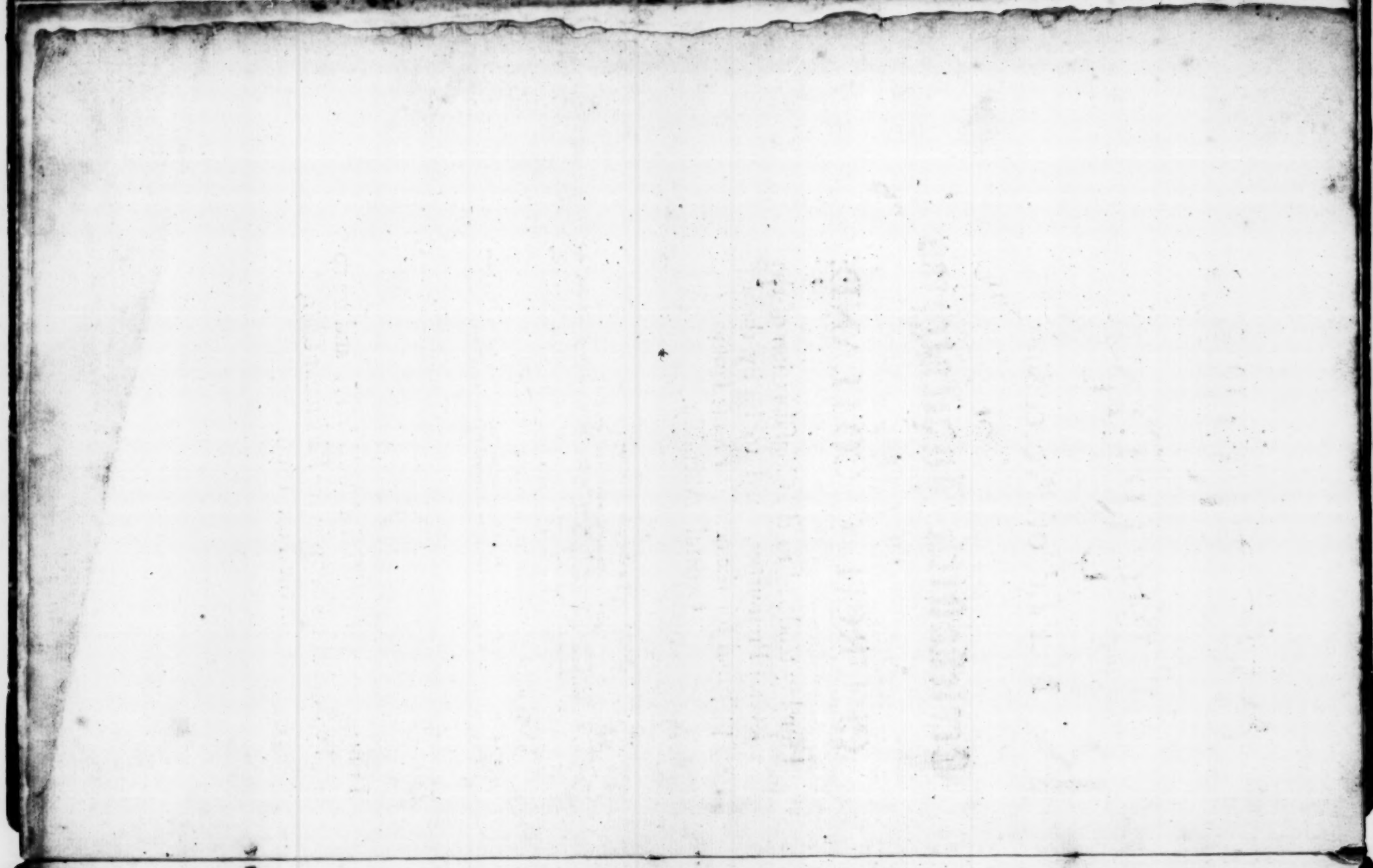
21. Teaching them to observe all things whatsoever I have commanded you, and he is not with you always, even to the end of the world. Amen.

Galat. 3. 18. and he is the Head of the Body, the Church.

1 Cor. 10. 2. For though I should have known the manner of our Authority (which the Lord hath given us for edification, and not for your destruction) I should not be ashamed.

EDINBURGH.

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be Sold at his Shop in the Parliament Close,
in the Year 1696.



TO THE READER

THE Work of *Reformation*, And Establishing a Church in the full, and free Possession of all the Ordinances of Christ, is, and hath been of no small Difficulty; Nor did any Instruments, whom God raised up at any time in his Church, ever make any Attempt toward a further Progress therein, then as soon all the Malice of Satan, and opposition of his Enimies appeared to oppose, at least retard the Work; Yet all the Lovers of Our Lord Jesus Christ should be ready to improve any Opportunity they have, to bring the Work to greater perfection, and resolve to Grapple with, and overcome the many Difficulties they may meet with in these Endeavours.

Our first Reformers from Popery were Zealous, and Faithful in their Day; Tho' it did much take up that Age, to bring Our Nation, and the Body of the People to the Knowledge, and Profession of the True Reformed Religion; Yet they designed a Noble Work for the good of Posterity, and came a great length in it; They framed that Good *Confession of Faith* 1560 which was Ratified in Parliament 1567; And Popery being what they had chiefly to contend with, they to discover these who were really tainted therewith drew up (by the Kings allowance) that *Negative Confession of Faith*, commonly known by the Name of the *National Covenant*, this they Reached for the Doctrine; They framed Books of *Discipline*, wherein they lay down the True Principles of this Church, as to the Government thereof, that it Rejected *Popish* Episcopacy, and owned *Presbyterian* *Parity*; They began and at length alter the Year 1580 got the Church divided not only into *Congregations* or *Parishes* more commodiously then under Popery, but into *Presbyteries*, and *Synods*, and settled the Order of *Assemblies* of Delegated Commissioners, from the several Presbyteries of the Church and so got the Church Government by Presbytery fixed in all the Corners of the Land, and fully Established by Law 1592, about what time the Reformation in that Age was at its greatest Advancement. For a little after, King James's Design to Introduce Episcopacy (therby to ingratiate himself with *England* to further his Succession to that Crown) began to be prosecuted, and all occasions taken, and means used to retard the *Reformation* it self, and destroy the Government of the Church, wherein he was too Successful.

When God was pleased to send a Reviving in the Year 1638. The Instruments He raised in that Day, had no sooner opportunity than they embraced the same, and did sufficiently shew their willingness to bring the *Reformation*

To the READER.

ination of this Church a greater length; And tho' the Nations were engaged in Civil War which much hindered the *Reformation*, yet in that time there was compiled that most Excellent Confession of Faith called the *Westminster Confession*, and they having not only to maintain the Orthodox Doctrine against *Popery*, but against *Securianisme*, *Arminianisme*, *Erastianisme*, and other Errors which had either risen, or been revived since the beginning of the *Reformation* from *Popery*, it was calculated to Answer all these Exigencies, and to give a most exact account of the Doctrine of Our most Holy Religion, A Work of that value that it hath been by many thought worthy of all the Blood-shed, War and Expence the Nations met with in that Day; There were compiled likewise these Notable *Catechisms* both *Larger* and *Shorter* for the solid Instruction of People in the True Principles of Religion; There is left Us an excellent *Directory* for *Worship*, wherein as they see Us from the Trash of Ceremonies, so they direct to a Comely Uniformity in Worship, without giving such a distinguisht Character to some words as to hinder others to be made use of when they are both as significant and proper in their Season; And lastly they left Us many good *Acts* of their General Assemblies to direct Us in many particular cases in the Exercise of Discipline and Government, of no less use unto Us then they are of Obligation upon Us.

What put a step to Our Worthy *Fathers* going on, in giving a compleat Directory for the Discipline of the Church, and the Methods to be used in Ecclesiastick Judicatories in their proceedings, some yet alive may Remember; And now seeing by the good Hand of God, all these Restraints that for these many Years bypast didly on the Faithful Servants of Our Lord are taken off, and so great a Reviving hath befallen Us, Christ's Worthy Servants again put to Work, and a Young Generation rising, let Us trace the laudable Steps of Our Fathers, and endeavour to carry on the same Work of *Reformation* of this Church, a further length.

Some Desire to promote the same hath produced this Rough Draught of *Overtures* concerning *Church-Discipline*, and the *Method of Proceeding* in the several *Judicatories* of this Church, which are humbly offered to the consideration of the several Presbyteries of the Church, that by them they may be Ripened for the next or some ensuing General Assembly; There are These other Chapters designed, thereby to render the whole a Compleat Book of Discipline; But as it will be a Work of Great Time for Our Assemblies to consider, and determine ancient the whole, so it hath been some time and will be more, before the whole can be any way digested; And it was thought meet by some Worthy Persons, that what is done may be transmitted to the Consideration of the several Presbyteries of the Church, at whose Feet it is humbly laid down; And if any Copies thereof shall fall in the hands of any other Persons, it is earnestly desired, that if any thing herein may be thought New, Raw, Undigested, or Offensive, it may not be lookt on as the Sentiments of the Church of *Scotland*, but as the particular Proposal of some few of the Members thereof; If on the other hand it shall be found to Relish, and be of use, what remains shall be forwarded in the same manner.

May Our Great Lord, and Master prosper His Work in the Hands of His Servants, and raise up another Generation, in whom He may be Glorious,

OVER.

OVERTURES,

CONCERNING

The Form of Proceſſes, And
Method of Church-Discipline
in the Church of Scotland.

CHAP. I.

Of General Directions.

Set. 1.

Of the Right manner of Constituting of Kirk-Judicatories

1. **A**Ll *Kirk-Judicatories* are (in ordinary) to meet in some Church, or convenient Room belonging thereto.
2. The Members constituent of every *Church-Judicatory*, are Ministers and Elders, called *Ruling-Elders*; And in Parochial Sessions Deacons are admitted.
3. These Ministers and Elders meet in order to the constituting themselves an *Judicatory*, are to Elect a Moderator, and a Clerk; and to have attending them a *Beddel*, or *Church Officer*, one or more.
4. The time and place of Meeting in ordinary of *Church-Judicatories* are to be such as were appointed by the former Meeting; Except where necessary,

14, the last Moderator do call the same, (in doing whereof, he should take all the Advice of his Brethren, which the Circumstances can allow) and for the reasonableness and necessity of his so doing, he is to be answerable; or that the Civil Magistrate do call the same, to consult therewith.

5. The Judiciary is alwise to be Constituted by solemn Prayer, and calling upon God in Jesus Christ, in whose Name they are to act; and this to be done by the last Moderator, and in his absence by the preceding, or if none such be present, any Member may ask the Votes, who shall pray.

6. After Prayer, the Clerk is to mark the *Sedentary*, and call the Roll.

7. If there be no Moderator, they are to elect one, and also a Clerk, if he be absent or wanting, and a Bedell.

8. Some Judicatories do, and may continue their Moderator for some time, which they only do for their greater convenience, and may change him as oft as they think fit.

S E C T. II.

Of the Moderator of a Kirk Judiciary.

1. **E**Very Ecclesiastick Judiciary, consisting of Members, who are, as to Office, in a parity with others of the same Office; are for Order, to Elect from among themselves, one to be their *Moderator, Preses, and Mouth.*

2. Seeing he is called frequently to exerce the Power of Order, as for solemn Publick Ecclesiastick Prayer, Authoritative Exhortation, Rebuke, Direction, &c. The Moderator is alwise to be a Minister.

3. The Moderatorship then being a part of the Ministerial Office, common to all Ministers, is to be exerceed by each Minister, for the common Good of the Judiciary; when he shall be therunto called.

4. Though no prejudice arise by the constancy and continuance of this Work in one Persons Hand, from the nature of the Work; yet seeing by the corruption of Nature, that remains in Ministers, (ad Experience tells, that a constant Moderator hath been fatal to the Church; Therefore there ought to be frequent Changes, and new Elections.

5. In Inferior Judicatories, and where the Affairs are more ordinary, and the constant Practice of the Church known, it may be fit in ordinary so to change their Moderators, as the Employ may be laid on all the Ministers at sometime or other; thereby to render them the more fitted to be Moderators in the more Superior Judicatories, where is required greater Prudence, Experience, and Promptness to Expedite, and Manage those weightier Affairs which use to come before them.

6. The temper of Ministers is to be considered in the right Choice, especially in Superior Judicatories; some through diffidence, discouragement or lazyness, are averse to it; others through audacity, confidence or ambition do affect it.

7. As *Crimen ambitus* is censurable otherwise, so particularly it is to be noticed, and opposed in this; a man more readily discovering more of his corruption and weakness, in the Exercise of this part of his Office, than in any other.

8. The Person chosen to be a Moderator, would be of entire health, and strength of body, and a good voice, the want even of these, especially in Superior Judicatories, being very prejudicial.

9. The Moderator, when chosen, is to look on himself, as the mouth of the Meeting, and therefore is to act, do, and say nothing, but what becometh the whole Judicatory to do.

10. He is to take on him Authority, and to look on it as theirs, not his; yet no more then what becometh the Judicatory itself, exercising an authoritative, but Ministerial Power.

11. The Moderator is to see all the Rules for Decency and Order, which the Judicatory hath prescribed, to be exactly kept to; nor modesty of the Moderator is to hinder him from rebuking and noticing any Fault here in.

12. He is to acquaint the Judicatory, of all the Affairs that ly before them, and may for dispatch lay before them, the Method to dispatch them most conveniently. And in all, or any other thing, he speaks to the Judicatory; It is likewise to be with submission to them, and if they think fit.

13. It is his part to ask the Judgement of the Members; inviting the most judicious first; and then these who are least apt to speak; and before any thing go to the Vote, to ask the Judgement of so many, as if it may be gathered which way the Vote will run, to prevent any debate in the Vote, or alter it is begun.

14. Before he bring any thing to a Vote, and even after he hath asked the Opinion of a considerable number, he would pause a little before the question be put, and ask if any other Member have any new thing to say, or Overture in the Affair.

15. If the Affair, or Question in hand be of that weight and difficulty, that the Members shun to speak, or to propose any Overture in the Affair; then the Moderator himself, is to propose an Overture, and put his own Overture round, thereby to hasten the dispatch of Affairs.

16. When the Members are giving their Judgements concerning any Overture proposed; tho he would hear the Objection made against it, yet he would press the Objectors to make a better, that being most useful, and necessary for the Judicatory.

17. The Moderator would keep the Members from interrupting one another, and from speaking among themselves, or to any other than himself.

18. He would likewise prevent the Members, their making long Harangues (favouring of mens loving to shew their Parts) or deviating to matters alien from the present Affair; he would keep them close to the business, and to use few Words to gain time; and he will be called sometimes to interrupt talkative Members.

19. The Moderator would in this be a good Example, using few words in the Affair in debate, lest he be thought by his own speaking, to prevent others to speak.

20. If any thing happen to be spoken impertinently, by any Member; he

he is prudently to divert it, and if that cannot be, then calmly to resent the same according to the demerit, to divert greater heat.

21. After a Matter hath been reasoned, and debated on all hands, it will be fit frequently that the Moderator in few words resume the Question, and the Arguments which have been adduced on either hand, with these Answers which were adduced, and in so doing, be faithful without giving them any bysals to that which is his own Sentiment (he having done that in the debate) thereby to ripen and prepare the Members for a more clear Vote.

22. If any Member ask the Mind or Vote of the Judiciary, in any Affair, he ought to be heard ; yet so, that if more Members oppose the Motion made, and refuse him a Vote, and the Mover be not seconded, the Moderator may refuse him a Vote, seeing it's the mind of the Meeting. But if a Member be seconded, or if no Member beside the Moderator doth withstand the Vote, the Moderator ought to grant any Member a Vote.

S E C T. III.

Of Clerks to Church Judicatories, and their Registers.

1. Every Church-Judicatory ought to have a Clerk of their own Election, and either of their own number, or some other fit Person, who is to give his Oath *de facti*.

2. The Clerk is to be a person of a Christian Walk and Conversation, of entire Credit and Reputation for Fidelity, of Prudence, and able to keep the Secrets of the Judiciary ; of competent Ability and Dexterity, a good hand of writing, his Records being to be preserved for after Ages.

3. The Clerk is alwise to have, at every Meeting, lying on the Table, a fair Bible, the Confession of Faith, the printed Acts of the General Assemblies of the Church of *Scotland*, and the fair Register of the Judiciary, together with his Minute Book.

4. These two last, being the Records of that Judiciary, he is to be answerable for them, that therein be nothing recorded, but what he did by the Order, and Direction of the Moderator. as the Mouth of the Judiciary.

5. In the Minute Book, which should be a bound Book, and not loose sheets of Paper, the Clerk at every Meeting, and in presence thereof, is to record the Names of the Members of that *Sederunt*, and mark the Absents, and the Meetings Determination in every Affair, before they proceed to an other business ; and in Affairs of any moment or difficulty, he is to read what is minuted, before the Meeting proceed to any other.

6. In the fair Register, the Clerk is betwixt and the next Meeting of the Judiciary, to have extended in ample Form, and recorded all the Acts, Votes, and Resolutions of the former Meeting ; and that without any

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any interlinings, or erasing of Words or Pages.

7. This Register is to be paged, and a large margin; Whereon the Title or Subject of the Acts and Orders, are to be indexed, for the more speedy finding any thing: As also there ought to be a fair Index, at the end of each Book, of all the contents, and that Alphabetical.

8. The Moderator of the Judicatory is to sign every page of this fair Register, and the Clerk, and it were fit that the Moderator signed the minute Book every *Sederunt*.

9. That Registers of all Judicatories may be better Preserved, it were fit, that every Session deliver their fair Register in to the Presbytrie, every 10 Year; and every Presbytrie theirs; and the Sessions in to the Synod, every 15 Years: And that every Synod, every 20 Year, order all these, and their own fair Register to be laid up, in the publick Library of that University, which is next adjacent to them; where they may safely be kept from Accidents, for the future benefit of the Church.

10. The Clerk, beside these two Books, is carefully to preserve all Petitions, and every other Paper brought before the Judicatory, in any Cause or Process; and all these are to be quoted on the back, bound up in bundles, according to order of time, and preserved with the Books they relate unto, as also any other Book of Subscriptions the Judicatory may have.

SECT. IV.

Of Bedells in Church-Judicatories:

1. Every Church-Judicatory ought to have belonging to, and attending them, one or more *Bedells*, or Church-Officers, who are to be appointed by them, to serve and attend the Judicatory.

2. These Bedells are to be persons of a blameless, sober Walk, of Fidelity, Reputation, and Prudence to keep the Secrets of the Judicatory, and who can read, and write the Executions of Summons, given him in charge.

3. At his Admission, he is to give his Oath *de fidelis*, and his Admission is to be recorded in the Register, seeing his Executions are to bear Faith.

4. The Bedell is to execute all Summons, and Citations of Persons to compar before the Judicatory; and in any Process, which may come from an Inferior, to a Superior Judicatory, is to have the Warrant for Summoning persons, signed by the Moderator, and Clerk, and is to return the same, as it is appointed with the Executions thereon indorsed, under his hand, with the Names of the Witnesses to the Execution of the Summons.

5. The Bedell is to attend each Meeting of the Judicatory, and keep the Door of the Meeting, and obey all their Orders.

6. In case of Necessity, the Moderator of a Judicatory having busi-
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nelsado, preparatory to the Meeting of the Judiciary, may under his hand, Commissionate some fit Person to be Bedell, to execute some particular Summons, till the ordinary Bedell be had, whose Execution shall be esteemed valid.

SECT. V.

Of Proceedings, in all Judicatories, and the Members Behaviour therein.

1. **A**fter the Meeting of the Judiciary is constituted, the Clerk is to call the Koll, and the Absents marked, in order to a Centure, such as the Judiciary thinks fit.
2. The Moderator (if the Meeting be occasional *pro re nata*) is to narrate the Occasion, and Cause of the same.
3. If it be the ordinary time of Meeting, it seems most expedient to begin with reading over the Minutes, and Acts of the last Meeting : both to know if the same were rightly Recorded, and to refresh the Memory of the Members with what was done.
4. If there were any References from the last Meeting to this; these come to be the first under consideration, and expected.
5. For any new matter that may come before a Church judicatory: great caution would be used, that it be fitly brought thither.
6. Wherefore Committees of every Judiciary (even of the lowest and the more Superior the better) are very convenient to meet *prior* to the Judiciary ; both to lop off unnecessary Business, and facilitate the expeding what is fit, wherein they are to walk as is directed, Chap. Sect.
7. And indeed no Member is to bring in a Cause or Matter, especially which may occasion a Process; unless he acquaint that Committee, or the Moderator, and some Members of the Judiciary before hand ; or be very sure of the fitness of the same.
8. This Caution is especially to be used in the bringing into a Judiciary, the delation of any Scandal ; and in these delations, the Directions, Chap. would be carefully noticed.
9. When any business is called in a Judiciary, whether by Petition, or Information, the Judicatories are in the first place, to consider whether it be competent for them to cognosce upon, and would endeavour to narrow their Work, as much as with the edification of the Church they can ; especially as to the head of Scandal.
10. Tho an Affair, as to the Subject Matter, may be proper for the Judicatories notice, yet before they proceed therein, they would wisely consider, if it be fit that they meddle with that Affair ; and herein great prudence is to be exercised, and both the good of the Church, the Edification of the Persons concerned, and the credit of the Judiciary, in the issue

issue of the affair, are to be in the Judicatories Eye, how to obtain thereof, before the Judicatory meddle with the affair; and these to be preferred to the Passion, Impudence, Malice, or Self-designs, or mistaken Zeal of the Informers or Delators.

11. And if the Affair proposed, do any way touch, or relate unto any of the Members of the Judicatory itself, out of a true concern for the credit of the Member, the Judicatory would endeavour, to be more cautious in proceeding, lest it may be thought, the Judicatory may be biased, in favour of their own Member; which, as it is possible the Judicatory may be, so it is ordinary that people suspect them to be.

12. And sometimes it will be fit, in some matter proposed, to delay the consideration thereof till further time clear the Judicatories way, and thereby prevent Mistakes, both in the Delator, and in other persons concerned.

13. And in such Cases, many times Prudence requieth, that the Judicatory commit such an Affair, before it be proceeded in, to the consideration of a few of the more Wise, and Experienced of the Members, who are to report their Opinion, whether the Affair will require the Judicatories proceeding therein, or not; and who may satisfy and divert the Delator, from further prosecuting the Affair, if they shall see that best.

14. The Judicatory is likewise to consider, whether the Affair is regularly and orderly brought in before them; and censure, if it be found otherwise: yet so as sometimes the Cause (notwithstanding of some irregularities) must be considered by them.

15. The Judicatory, when the Affair is Tabled, is to consider early how far the Cause brought in, is to be tryed by them; and whether only it be proper for them, to prepare it to a Superior Judicatory, that thereby the Inferiour Judicatories may not transgress their true Limits.

16. Nothing ought to be admitted by any Judicatory, as the Ground of a Process for Censure, but what hath been declared censurable by some Canon, Act, or Universal Custom of the National Church, unless there be some speciality in the thing, as to that Judicatory, and the Bounds of its extent, and some special Custom they have, which possibly may give sufficient Ground to a Process, but herein, that Churches Edification is to be much studied, and clear beyond debate.

17. In proceeding in all Causes, wherein there is any Person, or Party concerned, the Judicatory is to see, that before they proceed, the Person be duly sifted before them, by a legal timesous Citation, the Execution of which Summons, is to be returned by the Bedel, and the Person called at the door.

18. And sometimes, the Party may be of that Quality, that it will be fit they be privately spoken to by the Moderator, or Elders, before any publick Citation given, or Process begun, for their better gaining. If the Party appear not, there ought to be a second, and then a third Citation given, either to the Person personally apprehended, or lest at their dwelling house, before the Judicatory declare the person contumacious; unless the Party be cited to appear before a Superior Judicatory, by Reference, or Appeal; in which case, there is not that need of so many Citations, before the Superior Judicatory: The Party having actually appeared

peared before the Inferior Judiciary, and by them cited, *apud aſſa*, before the Superior; or having been contumacious before the Cause was brought before the Superior Judiciary.

19. All Citations *apud aſſa* are peremptory, and infer contumacy if not obeyed.

20. Tho the perſon do not appear on the third Citation, the Judiciary may, if it be needful, not only proſecute the perſon for contumacy, but likewiſe proceed to make out the firſt Libel, and adduce Witneſſes.

21. If the party appear, then the Moderator informing the perſon of the occaſion of his being called; is to cauſe read the Libel, if there be one in write; or if it be one ſingle Fact, then he is to be acquainted with it.

22. There ſeems to be no need of Accuſers, or Informers in Eccleſiaſtick Proceſſes, ſo that the party, if cited, is to answer the Judiciary, and what the Moderator or Clerk layeth to his charge; Yet ſo, that if the Perſon cited be found innocent, and acquitted; thoſe who informed the Judiciary, ought to be noticed for either their Calumny or Imprudence, as the Judiciary ſhall think beſt.

23. If there be need of Witneſſes, they ought to be timely cited, to give evidence, and if they reſuſe, may be proceeded with, as contumacious.

24. Before the Witneſſes be examined, the accuſed Perſon is to be called, and if he appear, may object againſt any of them; and if the Objections be relevant, the Witneſſes are to be caſt: but a perſon being the Delator or Informer doth not hinder him to be a Witneſs; except in caſe of pregnant Preſumptions of Malice at the perſon accuſed.

25. Tho there be no relevant Objection, yet if the accuſed deſire it, the Witneſſes are ſolemnly to be purged of Malice, and partial Counſel.

26. The Witneſſes are to be ſworn, and examined in the preſence of the accuſed Party, if they pleaſe; and may deſire the Moderator to propoſe ſuch Questions to the Witneſſes, as may tend for his exculpation; which if the Moderator think pertinent, are to be propoſed. But no accuſed perſon is to interrupt, or ſpeak, during the time of Depoſition.

27. And the accuſed Party is to be allowed to adduce Witneſſes for Exculpation; to whom the Moderator and Clerk are to give Warrant to cite, on the Parties Charges.

28. During the Parties and Witneſſes being preſent, all the Members are to be ſilent, and the Moderator only to ſpeak, till the Parties be removed.

29. After the Depoſitions are ended, the Parties being removed, the Members of the Judiciary are to reaſon the Affair calmly, ſpeaking alſo to the Moderator, one after another, without interrupting one another; uſing no reflecting Language, to, or of one another, nor long Harangues, or Digreſſions.

30. It were good, that no Objection might be made to any Overture propoſed, but with the propoſing ſome new Overture in place of the other.

31. During the Debate, great deference is to be payed to the Moderator; and his Admonitions, Cautions, Interrupting of long needless Speeches, and other Directions readily headed and obeyed.

32. As it frequently falls out, for a Judiciary to appoint Committees of their own Number, for several Affairs, so they would be diligent in calling them to an Account, and either approve, or censure them, for their Actings.

SECT. VI.

Of the closing of all Kirk-Judicatories.

1. **A**fter the Judiciary hath ended the Affairs they meet for, they are (if they have time) to read over their Minutes.
2. The time of their next Meeting is to be appointed.
3. The Moderator is to give Orders to the Clerk and Bedell, to prepare the Affairs committed to them, against the next Meeting.
4. The Roll of the Members is to be called, and again the absents to be marked.
5. The Moderator closeth the Meeting with solemn Prayer, and Thanksgiving.

CHAP. II.

Of the Proceedings and Methods of Kirk-Sessions.

SECT. I.

Of the Constitution of this Judiciary.

1. **T**His Judiciary, being the lowest, and which is in every Parish, consists of one Minister at least, or two; and in a competent number of Ruling Elders; and the Deacons of that Parish, and Church are to be present; and have in all Affairs a consultative Vote, tho not decisive, having attending them a Clerk and Bedell.

2. All

2. All the Elders of this Church, or Parish are Members of the Session, and ought to attend all the Meetings; it not being a Meeting made up of Delegates.
3. If there be but one Minister there, he is Moderator *ex Officio*; and constant out of Necessity.
4. Tho an Elder being once so ordained, makes him to be so during life, unless he be censured with Deposition, or demit his Office, and the Demission accepted by a Judicatory; yet where there are plenty of Persons, fit to be Elders, and plenty of Elders; the actual Exercise of the Office, as to constant attendance on the Session, &c. may be limited for a time, and others take their turn.

SECT. II.

Of Parties appearing before them, to declare their purpose of Marriage, in order to the publick Proclamation thereof.

1. **T**He publick Proclamation of Parties, (who intend to be married) before the Congregation, for three Sabbath Days; being both Christian, Rational, and required by the Law of the Land; that it may be more orderly done, the Session is to be acquainted therewith.
2. Whereto its fit the Parties appear before the Session, and own *their intended Purpose*.
3. But before they appear, upon the Clerks informing the Session, that such Persons are attending, the Moderator is to enquire at the Session, if the Persons be free and unmarried Persons, and unengaged to any others; that they are not within the Degrees of Consanguinity, or Affinity forbidden: nor under any Scandal; wherein, if the Session be satisfied, it may prevent the Moderators asking any such Question at them.
4. When they are called in, the Moderator is to ask them, if it be their Design to Marry? And if there be need (if any of the Parties be lately come to the Parish, or be of another) their Testimonials are to be called for, of their being unmarried, free Persons.
5. The Moderator is likewise to enquire of the Parents, Tutors, or Curators, or nearest Friends their Consent, which is to be signified to the Session, either by Write, or by some of them, their appearing to give it: But if the Parties be Widows, they are *sui juris* as to the Session.
6. If it appear that the Parents, or Tutors, &c. do not consent, and are reluctant to the Marriage, the Session is to summon such Parents before

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fore them, to give an account of the Reasons of the same, of which the Session is to judge; and if they find them frivolous and unreasonable, may proceed notwithstanding.

7. If Parties be so well known to the Session, as that there is no ground of hesitation, and of Quality, there is no need of personal appearance.

8. If Parties delay their Marriage fourty days after Proclamation; they are to be censured, and renew the same, before they be married.

SECT. III.

Of the Admission of Infants to Baptism.

1. Children born within the Verge of the Visible Church, of Parents professing the Christian Religion, have a right to Baptism, whatever be the Ignorance, or Scandalousness of the Parents.

2. There are no other Sponsors to be taken for Children at Baptism, but only the Parents, and especially the Father: both that Duty, and the performances thereof, lying on the Father chiefly, and where there are Parents, ought to be laid on no others.

3. If the Father be absent, then any Friend or Relation, or the Mother of the Child, may present the Child; and the engagement laid on to deliver to the Parent, an Account thereof, and to lay the Duties on him engaged unto.

4. In case of Scandal censurable, which the Parent lyeth under, unrelaxed: the Parent is not to be admitted to present the Child, but some other Person, or the Mother, in case she be free of Scandal.

5. In case of gross Ignorance, and no Instruction successful, then the Mother's Knowledge may be tried, and she admitted to present the Child; if neither be fit, then another.

6. If both Parents be scandalous and unfit, and that they cannot prevail with any fit person to present the Child in their Name; it is very proper for the Elder of that Quarter to present the Child as Sponsor and to engage to lay the Duties home to the Parents.

7. In case of Children found in the Street, the Session is to order the presenting of the Child, and the Session itself, is to see to the Christian Education of the Child; as the Magistrate is to take care of its sustenance.

SECT. IV.

Of Admission to the Lords-Table; and Debarring from it,

1. **I**T belongs peculiarly and properly to the Kirk-Session, to Judge and Determine the fitness of Persons :o be admitted to the Sacrament of the Supper, and in a Church constituted and complete, neither Ministers nor Elders, separately are to take that on them.

2. The Rules the Session are to walk by in their Procedure therein, may be these. 1. A competent Knowledge in the Fundamentals of the Christian Religion, found out by a Judicial Examination. 2. An owning of, submitting to, and ordinary attending the Ordinances of Christ, publick and privat Worship of God, and using other Means of Knowledge. 3. An inoffensive Walk and Conversation towards God and Man.

3. That the Session may walk knowingly, in passing their Judicial Sentence of admitting, or debarring from the Table; they are to appoint the Diets of these Judicial Examinations, which are to be done by the Minister in the presence of the Session, or at least of two or three of the Elders, that thereby the Session, when it proceeds, may have the Testimony of two, or three Witnesses.

4. The Judicial Examinations (if the Person be found of competent Knowledge) are no more to be gone about, as to that Person, unless such be afterwards debarr'd, through manifest growing ignorance, of which the person may on further Tryal be found guilty.

5. The Minister is then likewise at these Judicial Examinations, especially to enquire the Person, 1. If they have seriously considered the Engagements their Parents did enter into for them, at their Baptism. 2. If they be willing to adhere to, renew, and through Grace assisting, to perform the Conditions of that Covenant. 3. If they Worship God in secret, in their Families they belong unto, and attend his Publick Worship: And these Duties would be laid upon them, as Conditions of their admittance.

6. As to the inoffensive Walk, which the Session ought to be satisfied about, it is sufficient Proof thereof, that the Person hath not been found guilty of any Scandal, incurring Ecclesiastick Censure.

7. The Kirk-Session being informed by the Minister and Elders, together with their own proper Knowledge of the Person, are judicially to pass their Sentence of Admission, or non admission, as they shall see cause;

(17)
cause; and to record the same in their Session-Book, there always to remain, unless by after Scandal, they be judicially Suspended and Debarred.

8. The Minister and Clerk of the Session, or any two Elders may give Testimonials to any Person thus admitted, to any Neighbour Congregation, where this Sacrament is to be celebrated; but to none other.

9. The Minister and Session of a Neighbour Congregation, are to admit all such, as bring such Testimonials, and that *ex debito*; and by reason of the Communion of Saints, and none other.

SECT. V.

Of Proceeding with Drunkards, Swearers, Profaners of the Sabbath, and not Observers of Fasts, and Thanksgivings.

1. THE Members of the Session, are wisely to consider the Information they get, and consult with the Minister, even before the same be communicate to others, that thereby the spreading of the Scandal may be prevented; that the same may be removed by a Private Admonition; which, if amendment follow, it is the far best way of gaining and recovering a lapsed Brother.

2. It may fall out, that even one single Act of either Drunkenness, Swearing, Profaning of the Sabbath, or Contempt of Fasts or thanksgivings, may be cloathed with such aggravating Circumstances, as may found a Process, and even bring the Parties guilty, under the Censure of the Lesser Excommunication, and to appear before the Congregation, before a Relaxation, the weight of all which is to be duly pondered.

3. But in ordinary, in all such and such Kind of Offences, where the frequency makes the Crime turn scandalous; the Guilty for the first Fault, would be spoken to in private, by the Minister or an Elder, and admonished; and on promise to amend, the Session would sit there.

4. And on the second Lapse, the Person would be called before the Session, and if proven, may be there judicially rebuked; where the Session, on promise to amend, may again sit.

5. But if they amend not after that, the Session would orderly proceed, till they inflict the Censure of the lesser Excommunication; and thereafter them till amendment.

6. If the Person accused, deny Drunkenness, and impute these Signs, and Effects of Drunkenness which the witnesses testify, to other Causes,

as sickness of the Stomach, giddiness of the Head; he would be more narrowly examined, to see if he fall under the definition of Drunkenness, as the Law of the Land defineth the same, *Act 20. Par. 22. Jam. 6. And Act 1. Part. 1. Ch. 2.* That, (as to drinking, which foundeth a Process for a Civil Punishment, being good ground of Offence, as scandalous.

7. In all these other such Offences, which are both censurable, by an Ecclesiastick Judicatory, as scandalous; and punishable by the Civil and Municipal Laws of the Land, as Crimes, tho' the one of these, doth not impede the prosecutions before the other, yet a Church Judicatory, and particularly a Church Session, in these Cases, should wisely ponder the Temper of the Person accused, and Place, and other Circumstances and it can be found more effectual, for reclaiming and restraining such outbreakings, that the Civil Magistracy do meddle most with them, they should be acquainted therewith, and entreated thereunto, whereby the Church may be less difficulted, and the Person made most sensible of his mis behaviour.

8. If the guilty person ly under the Censure of the lesser Excommunication a considerable time; And yet continues frequently Relapsing in these Vices of Drunkenness, Swearing &c. It may be constituted such a degree of contumacy, and so aggravate the Crime as to found a Process of the highest Censure of the greater Excommunication; which is to be inflicted as oft as may tend to the reclaiming of the guilty person, or to the Edification of the Church.

Set. VI.

Of Processes, for Uncleanneſs, Fornication, and Adultery.

1. IN Delations about Uncleanneſs; It is usual that when the thing is put to the thickest Tryal; all that can be proven, are but presumptions of Guilt, or Scandalous behaviour, and not the Act of Uncleanneſs; which should oblige the Kirk Session, to be very cautious how they admit the publick entering a Process, without good warrant.

2. Many of these Actions, Which give occasion to the raising a Scandal, of Uncleanneſs, are such as are not themselves alone publickly Censurable; but to be past by with a private Rebuke, or Admonition.

3 Yet some of these Actions, which come under the name of *Scandalous behaviour*; may be so Lascivious and Obscene, and clothed with such Circumstances, as may be as offensive, as the Act of Uncleanneſs it self, and as Censurable.

4. If the Scandal be so flagrant, as to occasion a Process. The Session is to consider, whether it can be proven, which is done, either, 1. by the bringing forth of a Child. 2. by the confession of both, or either party. 3. by Witnesses. 4. or by such presumptions and concurring circumstances, as convince the Judiciary of the truth of the Fact: But let this be wisely considered how far it can go.

5. When an Unmarried Woman brings forth a Child (it being that which ordinarily is known) gives good ground to a Kirk Session for a Process against her.

6. After she is cited before the Session and apprehend; She is to be interrogate, who is the Father of that Child? And tho in other cases, the divulging of a Secret; may be very imprudent, and indeed the raising of a Scandal: Yet in this case, where there is a Child, whereby there is an undeniable Scandal, and the keeping secret of the Father, a ground of greater offence, and of suspecting many Innocent Persons, if she discover not the Father; she is to be lookt upon as contumacious.

7. The person the nameth to be the Father of the Child, is to be informed thereof; and spoke to privately; if he deny the same, he is seriously to be dealt with, to confess the same; if he still deny, Then the Session is to cause cite him to appear before them.

8. In this Process, when the delated Father appeareth; tho the Woman's Testimony can be no sufficient evidence, yet another Witness and sometimes only presumptions, as frequenting her company, or being *Solus cum sola, in loco suspecto* in suspect postures; and such like which he cannot disprove, to the satisfaction of the Session; may to lay the guilt upon him, as to bring it to his Oath of Purgation.

9. In taking this Oath to Purgation, All Tenderness and Caution is to be used; nor is the Session to press any man thereto, nor is it to be taken in any case but this, when the presumptions are so great, that create such a Jealousie in that Congregation and Session, that nothing will remove the suspicion, but the Man's Oath of Purgation; and when his Oath will indeed remove the Scandal and Suspicion: in all other cases, this Oath is in vain and so should not be admitted, and never but by advice of the Presbyrie.

10. This Oath for Purgation, being to be taken Judicially, and a part of a Process, is to be before the Kirk Session, and if it be found needful, it may be intimate to the Congregation, that such a person hath taken such an Oath; and so is declared clear of the alleged Scandal.

11. Yet so, if the case be extraordinary and edification of the Congregation require, the Kirk Session may with advice of the Presbyrie, Commissionate the Minister to take it in the face of the Congregation, the Members of the Session being present; or rather the Oath being taken before the Session: The party may be obliged to be present in the Congregation, and may be put publicly to own his purging himself by Oath.

12. After the delated Father, hath purged himself by Oath. The Woman is to be dealt with, to give the true Father, and if after all serious dealing, and due Diligence she give no other: She is to be Censured according to the quality of the Offence committed by her: without naming the

the person delated by her. The Judicatory reserving place for further Censure upon further Discovery.

13. If the Woman who hath brought forth the Child, doth declare she knoweth not the Father, alledging she was forced, as in the Fields by a person unknown, or in her sleep; in these cases great P rudence is to be used: the former behaviour of the Woman exactly searched into, and she seriously dealt with to be ingenuous; and if sh. hath been of innire fame she may be purged by Oath; but not without the advice of the Presbytrie.

14. If a person do voluntarily confess Uncleanness, and if there be no Child; and the case be brought to the Kirk Session. The Session is to enquire what presumptions there are of the truth of the thing confessed, or what may have moved the person to make that confession? Whether it floweth from Disquietness of Mind? or from sinisterous design? As when a Man sueing to a Woman for Marriage is denied; and from Revenge, or to obtain his desire, spreads the Report that he hath been guilty with her; they are to be dealt with accordingly.

15. If it be found, That there is no ground for the Confession, and that it is false, the person confessing is to be Censured according to the confession, and likewise as a Slanderer, and withall Application is to be made by the Session to the Civil Magistrate that they may be punished according to Law.

16. If there be need of Witnesses. The Directions *Chap. 2. Sect. 5. § 22, 23, to 29.* are to be minded.

17. When Persons guilty of Uncleanness live one in one Parish, and another in another: The Process against them, and Censures are to be before the Session of the Parish where the Woman liveth.

18. If a Scandal of Uncleanness be committed Transiently; As if Persons having their fixed Residence in one Parish doth commit Uncleanness in another Parish, or perhaps in the Fields, or at Fairs, or Mercats; in these cases, they are to be Processed and Censured, where their ordinary abode is, except the place of their abode be at considerable distance from the place where the Scandal was committed, and the Scandal be most flagrant where it was committed.

19. When there is a Scandal of Uncleanness, whereof several persons are guilty, living in different Parishes. The Session where the Scandal is committed, is to acquaint the other Session, where any of the persons Reside, who are *Ex debito* to cause Summons these persons to appear before that Session, where the Scandal is to be tried.

20. When a person is Convict of a Scandal by a Session of an other Congregation, then his own and the Censure of the lesser Excommunication inflicted; the Session is to send an account thereof, to that Session to which he belongs; but there is no need of any other Sentence of his own Session to fix the Censure on him; but only a publick Intimation thereof to be made in his own Parish.

21. When a person is Censured, and absolved from his Scandal, in a Stranger Congregation; he is to bring a Testimonial of his Absolution, which is to be Intimate to the Congregation he lives in.

S E C T. VII.

Of the Election and Constituting of Elders.

1. **W**Here there is a Minister and Elders in a Congregation constituting a Session; there may be need of more Elders to supply the places of some, who may be removed by Death, or otherways
2. It doth most peculiarly belong to the Session; to look among the Masters and Heads of Families, or others, for some persons fit to be Elders.
3. These ordinarily may be expected to be best had from amongst the Deacons of the Parish; the qualifications of that Office, not only fitting much for this, but the experience Deacons have, by being present at the Session, being a further fitting of them for the office of an Elder.
4. It will fall out, That sometimes it will be fit and necessary, that the Minister and present Elders, do in a prudent and private way, try the Inclinations of the most leading and judicious of the People, especially the Heads of Families; and of these quarters of the Congregation to which the Elders wanting belonged: thereby to prevent the Elders Naming and bringing to publick, these persons who may be unacceptable, where others can be had; and the Edification of the Congregation would thereby be studied.
5. When the Kirk-Session have agreed on the Nomination, wherein they would endeavour to be Unanimous; the Persons Nominated are to be spoke to, and dealt with to accept of the Office, before their Names be brought in publick: wherein great Tenderness and Earnestness would be used: It being frequent with many Modest and most fit Persons to be most hardly and difficultly prevailed with.
6. That it may be supposed, that none will be Named to this Office, but such who will be of Competent Knowledge, yet a judicial Examination, and Tryal would be taken of his Knowledge, in the Grounds and Principles of Religion, in cases of Conscience, and about the Government, Discipline of the Church, and Duties of Elders, and that before the Session, or two or three Elders.
7. When there is hopes of Success therein, The Session is to appoint the Minister, that on the *Lords Day* after Fore noons Sermon, he intimate to the Congregation the necessity of more Elders; and the Sessions Nomination; and may desire any person, that hath any Objections against any of the Persons Named, to make the same either to the Session or any Member thereof, betwixt and such a day.
8. When the day cometh wherein the Objections are to be brought in, the Session must meet; and have the Elect Elders edict returned; and
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the Beddel is to Intimate at the Door if there be any Objecters they may appear, if none, then the day is appointed to ordain them, and the Minister who is appointed to be Aſſor.

9. When the day is come, it were very fit the Miniſter chooled to Preach on ſuch a Subject as might relate to that Work, ſhewing the Duties of Elders and People to them.

10. After Sermon is ended in the Fore noon; the Miniſter is to ſhow the People that he is going about to ordain ſome more Elders to them, to tell them of all the orderly Steps, which they have taken preparatory; and that now nothing impedeſh his going on.

11. Then the Miniſter calling up the Candidates by Name, and they ſtanding together in ſome conspicuous place, as conveniency will allow, are to be interrogated, concerning their Orthodoxy, and to be taken ſolemnly engaged to adhere to own and Maintain the Doctrines, Discipline, Worſhip, and Government of the Church: and to lay themſelves out both by their Example, and in the Office of Elders; to ſuppreſs Vice, Cherish Piety, and Exerce Discipline faithfully and diligently,

12. Then (the Candidates ſtill ſtanding up) the Miniſter is next by Solemn Prayer to ſet them apart in *verbis de preſenti*, as in the ordination of Miniſters (*mutatis mutandis*)

13. After Prayer the Miniſter is to ſpeak to them, now as Elders Encouraging them to Faithfulneſs, and Threatning if negligent. 2. He is to direct a word of Exhortation to the People, ſhewing them their Duty to the Elders, and Exhorting them to obedience in the Lord, and to ſtrengthen their Elders hands.

SECT. VIII.

Of Eccleſiaſtical Proceſſes, which naively begin in the Kirk Seſſion, but are not to be brought to a final Determination by them.

1. **T**Here are ſome Proceſſes, which do naively begin at the Kirk Seſſion; but, which for the Atrocity of the Scandal, or difficulty in the Affair, or general Concern: the Kirk Seſſion having frequent Meetings of the Presbytery to have recourſe to, do not determine of themſelves.

2. Such are the Scandals of Inceſt, Adultery, Tre-laſpe in Fornication, Schiſms, and Separation from the Publick Ordinances, Proceſſes in order to the higheſt Excommunication; and continued contumacy, Error and Hereſie vented and made publick, by any of the Congregation; For-
mication

nication in a Minister, or any other Scandal committed by a Minister which beside deposition, draweth the Censure of the lesser Excommunication against him; and such like gross Scandals declared by the Church to be so.

3. The Kirk-Session receiving Information of such gross Scandals, they are to weigh the same, according to the Rules and Directions prescribed to them, in Processes which are their peculiar Province.

4. And when the Session finds good ground for a Process, they are to deal with the guilty, to confess that which now cannot be hid, nor amended, till satisfaction be made to the Church, which, when done, the Session is to convey the Information thereof by their Minister and Ruling Elder in to the Presbytrie.

5. But where there is no Confession, the Session is not to proceed to lead Probation by Witnesses or Presumptions, till an account of the Affair be brought by a Reference to the Presbytrie, and the Presbytrie do thereupon Committionate and Appoint the Session to proceed, and lead Probation.

6. And alter Probation is led, the Presbytrie is again to be advised, who may appoint the Session to inflict what Censure they see cause; all Censures in any Process, which come before a Session (except the greater Excommunication, and Censuring for Heresy, and Rebukes before the Presbytrie) being to be the Judicial Act of the Session; tho the Presbyteries Advice be necessary to precede the same.

7. When Persons censured, for these grosser Scandals, do apply to the Kirk-Session for Relaxation, they may both be privately conferred with and likewise their Acknowledgements heard before the Session; but they ought not to be brought before the Congregation, in order to their Abolution, nor Absolved, but by Advice and Order of the Presbytrie.

SECT. IX.

Of the privy Censures in the Sessions.

1. **I**N every Kirk Session, there ought to be twice in the Year privy Censures; (as they are called) of the Members of the Session.

2. At the Meeting preceding the same, all the Members should be warned to be punctually present that day.

3. Seeing the Ministers undergo their privy Censures in the Presbytrie, and that generally there is but one Minister in the Session, who must

the Moderator. Therefore the Ministers are not to undergo this privacy Censure before the Session. But only the Elders, Deacons, Clerk and Bedells.

4. The Moderator of the Session is to cause the Clerk read the Roll of the Members; and beginning at the beginning of the Roll, they are one by one, after another to be removed, and then the rest of the Members are, by the Moderator to be enquired concerning the Walk and Conversation of the Member removed, concerning his Diligence, and Prudence in his Station; and whatever any have observed, and informed worthy the Noticing; is freely and with Love, and Tenderness to be communicated.

5. The Session is to judge of all Informations concerning the Member removed, and as they judge him deserving; either only the private Admonition, or Reproof of the Minister his alone; or of any one of the Elders their alone; or of the Moderator in Name of the Session *coram*; as the Weight of the Matter, the Edification of the Party, and Comfort of the Session, or Congregation requireth; is to be done with all Love, Tenderness and Freedom.

6. If nothing be observed needful to be amended, but an account from all hands, of the Faithfulness, Prudence, and Diligence of the Member removed; then he is to be exhorted to go on, and encouraged, and God to be blessed on his account. And the Moderator, when he is called in, to express the Session's satisfaction and comfort therein.

7. After all the Elders have thus, one after another, and each one after he hath been called in, and got the mind of the Session concerning him, and set in his place: The Deacons, one after another are to pass their Censures. And in passing the Censures of Deacons, as to their Behaviour in relation to that Office, the other Deacons are not only to have a consultative Vote (which they had in the Censures of Elders) but likewise a Decisive.

8. Next after the Deacons, the Clerk of the Session is to be removed, and the Members enquired concerning his Carriage; and the Session Books, and other Registers of Births, and Burials would be seen to be exactly kept, and put in readiness for the Presbytrie, when called for by them.

9. The Bedel or Church Officer, would likewise in the same manner be enquired after, and either admonished, or encouraged, as need requireth.

CHAP. III.

Of the Proceedings and Methods
in Presbyteries.

SECT. I.

Of the Constitution of this Judicatory.

1. **T**His Judicatory is made up, and consists of the Pastors, Elders, and Deacons, of a number of particular Parochial Congregations. associate together for their mutual help, and comfort.

2. The number of Congregations are not determinate; ten or twelve, rather more than fewer, as the Adjacency of the Congregations, their compactness, and easiness in travelling, will most ordinarily allow.

3. And because our Church-Revenues do not allow a Maintenance of Elders and Deacons; so that these, who are called to these Offices, must likewise attend their other Employments, for their outward Maintenance, and cannot attend all Church-Judicatories, especially at a distance, and for other Reasons. Therefore our Church hath always required, only the attendance of One Ruling Elder from each Congregation, at the Presbyteries.

4. And because in many Congregations, there are not Deacons, distinct from Elders; but that Office, as it is included in the other Superior, to the Deacons Office is exercised by the Elders, therefore it is not ordinary nor necessary that Deacons be present in Presbyteries, but it were fit they were.

5. And seeing the Ministers Office and Power, doth include both that of Elders and Deacons; tho' its necessary, when they can be had, that Ministers act in conjunction with them both, because of the Divine Precept and Warrant, and of the mighty usefulness thereof: Yet if by no fault of the Ministers, Elders, as well as Deacons be wanting: they may warrantably exercise Presbyterial Jurisdiction their alone without either of them.

S E C T. II.

Of Licentiating Probationers, or Preachers,

1. **I**T is the proper and peculiar Work of the Presbytrie, and of no other Church-judicatory, to look out for, admit to Tryals, judge, determine, and licentiate Probationers and Preachers.

2. And because it is not every one, who makes Theologie his Study, and who designs to serve in the Ministry, who is fit for it, or ought to be admitted to it; therefore great care is to be used in making a fit choice, and refusing an unfit Person.

3: This care is to be extended, not only, to stop, hinder, and not admit these, who may not be fit; but to stir up, encourage, persuade, and call these, whose Gifts and Graces are promising; tho the Persons themselves be not intending the same.

4. The Parents and Relations, then School masters, next Masters of Colleges, especially in conferring of Degrees; and very natively Professors of Theology, may each, and as it were, last of all the Presbytrie (*ultima linea*) is to be faithful, and cautious in this; this being the Porch to the Church; and to these who enter here, the Church Doors, use seldom to be shut.

5. Before a Student be by the Presbytrie invited to pass his Tryals they would be well informed, and satisfied in not only the Piety; but in the Prudence, Education, Discretion, good natural Temper, Patience, Forbearance, affability, Humility, natural strength of Body, Voice and Mien of the Person: The least of all which, may be a sufficient Reason to stop, and not invite a Student to be a Preacher, unless there be some Competency of each of these; and the Eminent excelling of the more necessary.

6. To the Presbytries satisfaction in these, especially as to Piety; a Negative Knowledge is not sufficient, or an Information of Negative Piety as it is called; but his Actions, Walk, and Conversation; would bespeak the real Inherence of Grace and Virtue; else he is not to be admitted to his other Tryals.

7. As for his competent Abilities in Knowledge and literature; before any be entered on Tryals: Their Testimonial would be seen, of their passing their Course in Philosophy, and their obtaining the Degrees of Masters of Arts, in some University; without which Education and Advance, being there is so easy access thereunto, the Presbytrie is to admit none, to enter on their Tryals, in order to be licentiate to Preach.

8. And

8. And it would be very contributive to licentiats Advantage, that every Student of Theology, were sometimes attending the publick profession of Theology in some University, before they entered on their Trials.

9. And all such, who have been attending any such profession, ought to produce Testimonials of their behaviour, and proficiency, at that profession; from these Professors of Theology, under whose inspection they were, else not to be admitted.

10. In case a Student of Theology, could not have the occasion, of attending a publick profession of Theology at the University: he would undergoe private Trials of his proficiency in all the parts of Divinity, by Examination: And also have some Homily's, before some two or three Members of the Presbytrie; before he enter on his publick Trials before the Presbytrie.

11. The Presbytrie before they enter any, on their Trials, are to observe the Act of Assembly, Requiring 25 Years of Age, to a Minister; the rather because, in the present Juncture, after they obtain a Licence to Preach, they use to be very soon called to the Ministry; unless in case of more than ordinary Ripeness of Parts, and Prudence.

12. That the Trials of a Student in order to his being licentiate, do consist in ordinary in these seven Parts. 1. The first Homily. 2. A Lecture on a whole Chapter. 3. The second Homily. 4. The Common Head in *Latin*, with his publick maintaining the Orthodox Doctrine in his Theses, in a Dispute. 5. The Presbyterial Exercise, both making and adding. 6. The Extremopary Trials of his Knowledge in interpreting the Original Languages; of Sacred Chronology, of Ecclesiastick History, especially of our own Church; Answering Extremopary Questions of the meaning of hard places of Scripture; on Heads of Divinity, Polemick or Practical; or cases of Conscience; on Church Government, and Discipline; and 7. The popular Sermon, which is to be in the Pulpit before the People.

13. Immediately after the close of each of these Exercises; the Moderator is to enquire the Judgement of the Presbytrie, concerning the Candidates acquiring himself, in that part of his Trials, in order to his promotion, to the next peice of Trials, and at length to the license. But if the Presbytrie be not satisfied with the Candidate in any peice of his Trials, they are are to stop there, and either refer him back to his further Studies; or give him the same peice of Trial again on a different Subject.

14. It is the Custome, that during the Presbyteries deliberating on the sufficiency of the peice of Trial given, the Candidate be removed; and the Member of the Presbytrie use to be called by the Moderator, to give their Judgements, and critique on the peice of Trial: which is to be prudently managed; and the temper and quality of the persons present, are to be considered. Lest there be occasion of Offence given, where it is not designed; and that some Weak Elders or others may not be offended, at Ministers approving of the performance, as a peice of the Candidates Trials; while they eagerly carp at so many things spoken, as impertinent or Censurable. The main of the design, being only to have

their Judgement, whether it be so satisfactory, which was done, as to be admitted, as a proof of the Candidates fitness to be licentiate. And sometimes, some Ministers imprudently Censure, what ought not to be Censured; and they cannot so well be restrained, else it would spend time, and occasion heat.

15. When the Presbyrie are satisfied, with all the peices of the Candidates Trials, before they grant him the license, he is by the Moderator, to be gravely admonished, of the weight of the work; and exhorted to a suitable deportment. And likewise, he is solemnly to promise, suitable obedience to that Presbyrie and other Judicatories of the Church; he is to give satisfaction of the Orthodoxy of his Principles, not only as to the Doctrine but as to the Discipline, Worship, and Government of this Church.

16. A Probationer being subject to the Presbyrie, where he was licentiate only during his abode there; may depart the same; first acquainting the Presbyrie thereof, and shewing whither he is going; and carrying with him, not only the Testimonials of his license, but of his Alter-carriage, and Behaviour.

17. He is immediately to apply to, and attend the Presbyrie which he removes to, and enter himself subject to them; and thereupon get a Letter to the Presbyrie to which he belonged; shewing he is entered under their Inspection, else he cannot be looked from the first.

18. When the Candidate hath been approved, and gotten the Intimation of his license, and it recorded in the Presbyrie-Book; it were fit, he were appointed to Preach seven Sabbaths at least, one Dietara time, in the audience of, and in conjunction with some Minister of the Presbyrie before he get an Extract of the license; and he to be indulged, in case of Absulnets, as to his Appearance in eminent places.

19. If his Affairs require his sooner removal, from that Presbyrie; he may do so in the Presbyrie of the bounds whether he goes: And on Report from them of his suitable Behaviour, the License may be sent him by the Presbyrie where he pass his Trials.

20. No Probationer is to receive any Call, to be Minister to a Vacant Congregation; but from the hands of the Presbyrie, under whose Inspection he is; nor to accept thereof, but by their Advice.

21. If more Calls then one at once, come to a Probationer; and these presented by his own Presbyrie; he is to follow their Advice, in closing with, or rejecting of any of them.

SECT. III.

Of Vacant Congregations, and Planting thereof.

1. **V**acant Congregations within the bounds of a Presbyrie are under the peculiar care of the Presbyrie; both for their present supply; and for their planting with a Minister.

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2. The orderly and ordinary way of supplying a Vacant Congregation with daily Preaching, is and ought to be by the Presbytrie and no other.

3. The Presbytrie (if they find cause) would inhibit the Eldership, or any others within the Parish, to invite any Minister to Preach; even when occasional unforeseen opportunities offer, (the various Gifts and Tempers of Ministers being such, as may edify in one part, and yet do prejudice in an other part) unless with the Knowledge and Approbation of some Minister of the Presbytrie.

4. But no Probationer, is to Preach in any Vacant Congregation, till he hath first appeared before that Presbytrie, and Testimonials seen of his passing his Trials, and of his surcable behaviour since; And he is allowed to Preach with and by the direction of the Presbytrie, as oft as he Preacheth within their bounds.

5. The Presbytrie, as they would send the fittest of their Probationers to the Vacant Parish to Preach: So as need requireth, and the Presbytrie conveniently can, they are to send Ministers of their own number to Preach, and to Baptise the Children.

6. The Presbytrie would require the Eldership, of that Parish to meet frequently, to consider the Circumstances of the Parish, and to prepare them for giving a Call, as is directed *Chap. 1. Sect. 1.* and to attend the Presbytrie to give an account thereof from time to time.

7. The Presbytrie would endeavour so to manage that Eldership, as by all means to keep them from calling a Minister from an other Congregation, where he is happily fixed and useful: Transporations being a great grievance, and seldom to be practised.

8. If the Elder that comes from the Vacant Parish, do acquaint the Presbytrie of the Elderships Inclinations to a particular person, to have him settled among them. The Presbytrie before they hearken thereto, so as to proceed to concur in a Call; are to enquire of the Elders if that Parish, have intimated their Inclinations, to the Heads of the Families of the Parish, and in a prudent way have sounded their Inclinations as is required *Chap. 1. Sect. 1.*

9. If the Presbytrie do not incline to have that person, the Elders have their Eye upon, settled among them; they are in a prudent way to deal with the Elders to lay it aside; so as it may not reflect on the person they have their Inclination to; who may be fit to serve elsewhere, tho not in that place.

10. If the Vacant Congregation want an Eldership, as well as a Minister, the Presbytrie are to endeavour, the appointing of an Eldership among them, who may facilitate the Congregations getting a Minister.

11. If during the Vacancy, there fall out Scandals in the Parish, so that there be need of a Session, to proceed Judicially thereanent, The Presbytrie is to appoint a Minister of their own number, both to Preach and keep the Kirk Session, and moderate the same, and with the Elders Judicially to proceed and Censure as the case requireth.

12. If the Eldership of a Vacant Congregation, do by their Commission acquaint the Presbytrie, that they not only have had their thoughts on a person, to supply their Vacancy; but have communicate the same

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to the Heretors, and other Heads of Families; and do judge it may be probable, that the person will be generally (or to the most part) acceptable: And if the Presbytrie be satisfied with the person, they design to be Minister; then the Presbytrie is to proceed.

13. The Presbytrie is then to appoint one of their Number to Preach on a *Lords Day* in that Vacant Congregation; and after Forenoons Sermon to intimate to them, That the Presbytrie considering their circumstances, required the Elders and Heads of Families, especially the Heretors to meet at the Church, on such a Day of the Week in order to the Nominating, and Electing a fit person to supply their Vacancy; and they are to be Exhorred to seek God's Counsel and direction therein; and to lay a matter of so much concern to their Souls seriously to heart.

14. And indeed sometimes, where difficulties arise in a Vacant Parish, hindering the Plantation thereof, it were very requisite, to have some Day set apart, for solemn Fasting, and Prayer by order of the Presbytrie; which is to appoint one, or two Ministers to Preach then to them.

15. In Nominating the Time, for the Parish to meet, to Elect a Minister; such time would be given, as not only all the Heretors, who live within the Parish; but these who have Interest therein, may have timely advertisement; that the Call may be as Unanimous as may be.

16. When the Day is come; The Minister whom the Presbytrie hath appointed to Moderate at the Election. (Having ended Sermon, which he is to have to that Congregation; and dismissed the same, except the Heretors, Elders, and Heads of Families) is to open the Meeting with Prayer, and then signify unto them, the occasion of their Meeting, and his perswasion that they have been seeking God for Light, in so weighty a matter.

17. Tho' it doth most properly and peculiarly belong to the Elders as such; to look out for a fit person, to be their Minister; yet seeing the Heretors, who reside the Parish; are the most lasting, and sure (by far, more than moveable Tenements) as well as most considerable of the Heads of Families: on whose satisfaction and Assistance much of the Comfort, and Strengthening of the Ministers hands, in his Work may depend; and that the Law of the Land, hath very justly and wisely, concerned and trusted them, in the Legal conveying of the settled Stipend; and that ordinarily, all deserting Heretors, are Elders; these of them who are such, are to be first enquired at, by the Moderator whom they have thought on, to be their Minister?

18. When one (and sometimes, but rarely, more than one) is Named before there be any Vote: The Moderator is to enquire, if any there present, have any Objections to make? and the Objections are to be calmly heard, and Answered, and the Affair cleared, to ripen it to a Vote

19. Seeing by Law, and constant practice, the benefice is tyed to the Office, and the disposing of the Benefice to the Heretors, and Elders, These, and these only properly have Votes in the Nomination; yet so, as all other Heads of Families; may shew their Inclination, or object against the person named as they think fit.

20. Tho a plurality of Heretors, and Elders; will alwayes be thought to be the voice of the Meeting, and in Law and Reason is so counted; yet it is most desirable to have the universal consent, and ought to be endeavoured.

21. And the Moderator, and Electors are wisely to consider; that tho the Objections which any of the Heads of Families make against the person, whom the Electors have Named in order to Election; may in themselves be frivolous, and of small moment; yet the weight they have with the prejudicated Persons, and the quality of these Persons, and their Influence in the Congregation, are duely to be pondered, and if found considerable; great Tenderness is to be used: Especially at a time, when some other person may be got, against whom, neither Objection, nor Averfaion can be alleged.

22. If there be no Objections against the person named, or notwithstanding of all that is objected, the plurality of the Heretors, refuse to delay the Affair, and that the Objections made, seem rather to proceed, from the greater favour, the Objectors have for an other; then from any real Averfaion to, or Objection against the person himself: The Moderator may put the matter to a Vote.

23. But alter all the Reasonings, and especially where there hath been any altercation; it is very fit, that the Moderator not only give a word of Exhortation; but by solemn Prayer, immediately be ore the Vote, prepare them for it: It being not only fit at all such times, but experience teaching, that it wonderfully calmeth Mens Spirits, who have any thing of God in them; and cleareth them of the Dregs of private Affection and Interest.

24. The Voice thereafter being taken, and carefully marked. The Moderator is pronounce the Mind of the Meeting, and if it be carried that a Call be given to any person named. The Call being drawn up, is to be Read, and Signed in the presence of the Moderator.

25. After it is Signed, The Moderator is to propose to the Meeting; that they appoint one or two, of their Meeting, and that by a Commission under their hands; or the Hands of the Moderator and Clerk, not only to present the Call to the Presbytrie for their Approbation and Concurrence, but to prosecute the said Call, till it be brought to an Issue.

26. Yet if the Prosecution of the Call, take up much time, and frequent Attendances; the Heretors and Elders may change their Commissioners; by granting new Commissions to others, for their greater ease.

27. The Minister who Moderated the Call, and the Parishes Commissioner; shall next Presbytrie Day present the Call thereto; and give a full account of all the circumstances of the Action; that the Presbytrie being fully informed, may better judge how to proceed.

28. If there hath been any considerable Averfaion manifested; or Objections made against the Call. The Presbytrie is then, prudently to weigh the whole Affair; wherein the most universal Edification of the Congregation is to be studied, and their greatest good is to be the Standard; and if a better can be proposed, its to be followed and preferred to that which may be good and deserving in itself.

29. If the Presbytric find any ground to demurr their concurrence, they are cautiously to manage these who were for the Call; and rather delay, then altogether at first to stop and refuse concurrence; lest by endeavouring the universal Satisfaction, of the people of that Parish; they disgust the plurality thereof: and a meek and gaining way of prudent reasoning, and convincing their Consciences; rather then the Authoritative condemning their designs, is to be studied. And particularly, the proportion of his Gifts, in relation to the place, unto which he is called, is to be considered.

30. If the Presbytric concur with the Call, they are to record their Concurrence; and their Clerk is to signify the same, at the foot or back of the Call; (if need be) to appoint one of their Number, to concur with the Commissioners of the Parish, in prosecuting the same. If the person called, be a Minister in an other charge; then the Presbytric is duly to consider the reasonableness of the Transportation desired; and if that be not to them evident and clear; they are not to concur in that Call.

31. If the person called be a Probationer; and present in the Presbytric: He ought to be removed during the Presbytices Consultation about the Relevancy of the Call; and called in again, when it is approved: and if Approved, the Call is by the Moderator of the Presbytric, to be delivered to him *Coram*, with a suitable Exhortation, to take the same to his mature consideration.

32. If the person called be a Probationer, under the Inspection of an other Presbytric; The Commissioner of the Parish, with one from the Presbytric (if the Presbytric think fit to send one) are to apply to that Presbytric, where the Probationer resides; and present them the Call, and ask their Concurrence, in offering it to the person Called; and which that Presbytric, are without delay to do.

33. On Acceptation of the Call, the Probationer is to repair to that Presbytric, to which he is called; and thereby their direction, to Preach frequently to the Parish, to which he is Called, at least Thrice; before he be ordained; and in the mean time enter upon his Trials, in order to Ordination. In going about whereof, the Rules are to be followed prescribed, *Chap 3 Sect 4.*

34. If the person Called, be a Minister settled in an other Congregation; then the Commissioners of the Vacant Parish, are to proceed with Applications to the Presbytric, to which he belongs; as is required, *Sect. 6.* about Transportation of Ministers. And if he have gotten an Act of Transportability, yet is to be proceeded with, as *Sect. 7.* is required.

35. If the Parish be remiss, and backward; and will not Call a Minister, at least the greater part be; as the Law hath wisely fixed the *Justitiam* in the Presbytric as to the Benefice; so may the Presbytric by their Power from Christ, give a Mission to a particular person, and ordain him to labour in the work of the Ministry, among that People, to reclaim them, and feed them; wherein great Tenderness is to be used, and all other Means Effayed, to prevent its coming thence.

36. And the Minister so fixed, being adhered to, by some at least, who are to be Repute the *Junior pars*, is to be looked on as the Pastor of that Congregation.

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SECT. IV.

Of the Ordination of a Minister.

1. **O**N a Probationer's for far Acceptance of the Call of a Parish; as that he is content to submit himself to the Presbytrie of the Bounus, to undergoe his Trials in order to Ordination: he is by that Presbytrie, by whom he is to be ordained, to be tryed as followeth; and that whether he hath passed his Trials in order to his being licentiate a *Preacher* in that *Presbytrie*, or in any other.

2. The Process of his Trial, in order to Ordination may be these; 1. A common head, on some controverted point of Divinity; and the Candidates defending the Orthodox Doctrine in a Dispute. 2. A *Presbyterial* Exercise in the Pulpit. 3. His *Extraordinary* Trials as above *chap.* 3. *Seff.* 2. § 12 when he was licentiate. 4. A popular Sermon.

3. In the mean time, during the passing of his Tryals before the *Presbytrie*, he would be ordered to preach frequently to that Congregation, whose *Pastor* he is to be, not only to give them the greater opportunity, of the Knowledge of his Gifts, and Satisfaction with him; but to give him by converse with them, the better acquaintance with the Temper and Manner of the People, he is to undertake the charge of.

4. If the Probationer, hath been a stranger to that *Presbytrie*, he being now to be Ordained, his whole Carriage, and Conversation in times past, is now more narrowly to be searched into; which may be known not only by his Testimonials, from the University of his taking his Degrees; from the Professor of Theology of his Carriage under him in the Study of Theology; from the *Presbytrie* where he was licentiate to preach; from that *Presbytrie* where he last resided and under whose Inspection he was; but likewise by other ways, as they in prudence shall see cause.

5. If nothing appear, either in the Person, or Congregation to the *Presbytrie*, but what is promising that his labours will be useful among them, and his Tryals ended: The *Presbytrie* are to send one of their Number, to preach to that Congregation; and alter the Forenoon Sermon, to intimate unto them, that the Probationer, who was called to be their Minister, his Trial was now to be served; which Edict being read by the Reader, the Minister is to desire the People to notice the same. And after reading a Copy of the Edict is to be affixed to the most patent Door of the Church, by the Church Biddell thereunto appointed, that none may pretend ignorance.

6. Of this Edict the Tenor followeth

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"This Presbytrie having received a Call from this Parish to Mr. A. B. Preacher of the Gospel to be their Minister, and finding the same orderly proceeded, and the said Mr. A. B. having undergone all the Parts of his Tryal, in order to his Ordination, and the Presbytrie upon the whole judging him qualified to be a Minister of the Gospel, and fit to be Pastor of this Congregation, do resolve to proceed, unless some thing occur which may justly impede the same, do therefore give notice to all Persons, especially the Members of this Congregation, that if they, or any of them have any thing to Object, why the said Mr. A. B. should not be admitted Pastor here, they may repair to this Presbytrie, which is to meet at the

day of with Certification,
" that if no person Object anything that day, the Presbyrie will pro-
ceed without further delay.

7. The Presbytrie meeting (as it was appointed by the preceeding to meet) to receive the Execution of the Edict, which ought to be ten five days, after the felling of the flame, that thereby none may pretend ignorance, or want of time. The Minister appointed to preach, in the vacant Congregation, is to give an Account of his Diligence, and the Edict to be returned indoried: and then the Presbytrie finding that to be the day appointed, to bring in any Objections, against the Candidate, And the Officer having three several times, at the main patent Door, given notice, that if there were any there, who had any thing to Object against the Candidate, his bearing their Minister, they might then come, and do it to the Presbytrie, with certification as in the Edict.

8. If there come any Objections, the Presbytrie are prudently to weigh them; considering what sort of Persons they come from; and on what design; and wherefore they were delayed, till the Affair came to that length, as well as the nature of the Objections: and if the Presbyrie find themselves obliged to delay procedure, till a Process about these things be orderly had: they would be sure to have accusers, who may be punished as Slandereers, if in the issue they be found to be so.

9. If there be no Objections, or these brought be found of no Weight, the Presbytery is to name a convenient Week day, for the Brethren to meet, to Ordain the Candidate, at the Church of the Congregation, to whom he is to belong: but here there needs not ten days delay, since that hath been granted already, alter the serving of the Edit.

10. The Ordination is to be intimate to the People, from the Pulpit, inviting all to be present, and telling them, that they are to set a part that day, as a Fast unto that Parish, to be by them observed, with more than ordinary Supplication, for the assistance, and blessing of God, upon the Ordinance of Christ and the labours of his Servant, than to be set apart for their good, a Work of so great concernment.

II. The Presbyrie doth then likewise appoint the Moderator, or some one of the graveſt, and moſt Experienced Miniſters to preach that day, and perform the Action; the Subject of his Sermon, uſeth to be concerning the Qualifications of Miniſters, and their Duties to the People, and the Peoples to them.

12. The day being come, the Presbytrie useth to meet before Sermon begin; and tho the Edit^d be returned, and no Objection made last Presbytrie day, so the time of making Objections is past: yet the Presbytrie useth again by their Officer, to call three several times, if there be any to Object, which is done for the greater peace of the Minister thereafter; and to shew the Presbytries tenderness of the Congregation, and their Harmony.

13. Nothing being found, and all thir steps orderly minuted, the Minister who manageth the Action, is to proceed.

14. In the most conspicuous Place of the Church, and near the Pulpit, a Table and Seats are to be placed; where the Ministers, and Members of the Presbytrie, the Hectors, and Elders of the Congregation, are to sit together, with the Candidate; so as all the Ministers, may conveniently lay their hands on the Candidates head; and the others may take him by the Hand, when thereunto called.

15. The Congregation, and all being thus met; the Sermon ended and Prayer after Sermon; wherein the special Work of the day is again to be remembered; the Minister A^ltor doth from the Pulpit, in a Discourse shew the Occasion of the Days Meeting; That the Church being vacant, a Call given to such a Person there present, orderly proceeded in all its steps, was come to that issue, that he was now to be Ordained to be their Minister.

16. Then the Minister calls on the Candidate, who stands up in the face, and audience of the Congregation; and doth answer the following Questions, or others to the same purpose. 1. If he himself doth believe the Scriptures of the Old and New Testament, and the Truths therein contained? 2. If he out of a deep sense of his own sinfulness, hath fled unto Jesus Christ for his own Salvation? 3. If he doth own, and will adhere to the Confession of Faith, and Catechisms of this Church, and Doctrine therein contained, as contained in, founded on, and consonant unto the Holy Scriptures? 4. If he will be faithful, and zealous in maintaining all the Truths of the Gospel, the Unity of the Church, and Peace thereof, against all Error and Schism whatsoever, notwithstanding of what Trouble and Persecution may happen? 5. If he doth likewise own, and will adhere to the Worship, Discipline, and Government of this Church? 6. If he hath been led in his designing the Work of the Ministry, by a single and sincere Love to God, and Design to Glorify Him, in the Gospel of His Son: And not by filthy Lucre, and the Motives of Worldly Gain, as the great Inducement to him, to the Ministerial Work?

17. The Minister A^ltor, and brethren being satisfied, with the Candidates Answers; he is in a few Words to speak to the People of that Congregation; minding them of their having called the Candidate to be their Minister, that the A^lfair had orderly proceeded, and that there had been no Objection made against the same. And that now, their coming and staying to be Witnesses to the Action, and that their Universal Silence was to be looked on, as their constant adherence to their Call, to have him to be their Minister, and to their Engagements therein contained.

18. Then after a little Pause, whereby the Universal Silence of the

the People may be discerned; The Minister Actor, hath bespoken the Candidate, shewing him, that since he designs to serve God in preaching the Gospel; and that this Congregation has given him a Call; and the Presbytery was to Ordain him Minister of that Congregation; he was to satisfy the Presbytery and Congregation in the following Questions.

1. If he did not accept of the Call, given him by that Congregation, and resolved and engaged through Grace, to perform all the Works of a Faithful Minister amongst them? 2. If he would willingly, and humbly, in the Meekness of Spirit submit himself unto the Animations of his Brethren, and Discipline of the Church? 3. If he would take care, that he himself, and his Family should walk unblamably, be Examples to the Flock, and adorn the Gospel by their Conversation?

19. The Brethren being satisfied with the Candidates Answers, and Engagements; The Minister Actor is to come from the Pulpit, to the place where the Candidate and Brethren are; where, the Candidate kneeling, and the Brethren standing, the Actor, as Mouth of the Brethren, in their Masters Name, and Authority, doth in, and by Prayer, set the Candidate apart (not only the Actor, but all the Brethren, that conveniently can, laying their hands upon his Head to the Office of the Ministry, Invoking God for His Blessing to this Effect.

"Thankfully acknowledging the great Mercy of God, in Christ Jesus to poor Sinners, in revealing the glorious Truths of the Gospel to them, in settling and appointing a Gospel Ministry, acknowledging Gods Goodness to them his Servants, in calling them to so high a Vocation, and that they, out of a deep sense of their Duty, were humbly, and sincerely going about one of the most considerable Acts of their Office, to Appoint, and Ordain one to take part of the Ministry with them; begging that God would assist them singly to eye Gods Glory in their performance, and in the hope thereof, they, by virtue of that

"Power and Authority, wherewith they (how

The following Words "unworthy however they were; were clothed by are to be in verbs de "their Lord and Master Jesus Christ, the Great present, by the Minister "Pastor and Shepherd of his Flock, did Appoint Actor in name of all the "Ordain, Dedicate, and Set apart him, whom Brethren.

"they had now laid hands on, for the Work of the Ministry; praying that God would plentifully pour out his Spirit upon him, and furnish him with such Gifts, and Graces, as might fit him for so great a Work, and as might manifest that their Lord and Master did approve of, and Confirm their choosing, and separating him for that Service, praying for Skill and Faithfulness to him thus set apart, and for success in his Labours, particularly among that People; and that his Flock might be helped of God, to receive the Gospel from his Hand, to their Edification, and his Comfort; and blessing God for that, and such like Occasions they had, to do their Master any piece of Service, and propagate a Gospel Ministry to serve him, when they shall be gone.

20. The Prayer, to this purpose being ended; The Minister Aſſar is to take the Candidate by the Right Hand; ſaying unto him, *We give unto you the Right Hand of Fellowship*; and likewise all the Ministers and Elders of the Presbytrie; the Heretors and Elders of the Parish present, take him by the Right Hand, as a Testimony of their acceptance of him, as a Minister of that Congregation.

21. Then the Minister Aſſar, returning to the Pulpit, doth first exhort the Candidate, now ordained, to consider the greatness of the Office, the diligence, labour, and painfulness required, encouraging him to diligence, and faithfulness; and shewing him the hazard and prejudices that will attend negligence, and unfaithfulness; both to himself, and his People, in this, and the Life to come.

22. Then 2dly. He is to exhort the People to carry themselves, dutifully, kindly, and respectfully to their Minister, as unto the Messenger of God, and according to their solemn Promise, contained in their Call to their Minister; and which the Aſſar, in his Brethrens Name, under whose inspection the Parish is, is to erjoin them to.

23. Lastly, the Minister Aſſar, is by solemn Prayer, to commend the Minister whom they have ordained, and his Flock to God's Grace; and singing a Psalm, he is to dismiss the Congregation with a Blessing.

24. The Clerk of the Presbytrie, is to record the Day and Place of the Ordination; with the Name of the Aſſar, and Text he preached from, and the Sederunt of the Members present: and may give Extracts of the Ministers Ordination, when required.

SECT. V.

Of Parochial Visitations by the Presbytrie.

1. IT is the Duty of the Presbytrie, to visit every Congregation within the same, by solemn Visitations, which are either ordinary, and in course; or extraordinary *pro re nata*.

2. The ordinary, whereby every Congregational Church is visited; ought to be once a Year, if it can be attained; at least this ordinary Visitation, should be going round all the Parishes in order, till they be visited before others be revisited in ordinary.

3. The Presbytrie is to appoint the day, when the Visitation is to be, and cause Intimation be made, by the Minister of the Parish from the Pulpit, immediately after the Fore noons Sermon on the Sabbath, requiring the Elders and whole Congregations, to be present that day to hear Sermon, and that after Sermon the Heretors, Elders, and Heads of
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Families do attend the Presbytrie, to acquaint them with the State of that Kirk and Congregation, in every point; and particularly if any of them have any certain knowledge of any thing amiss in their Minister, Elders, Deacons, Reader, Schoolmaster; or Beddel; that they bring the same to the Presbytrie.

4. If any of the Heritors of that Parish, have their Residence elsewhere; care is to be taken by the Minister of the Parish, to give them Advertisement of the Day; and invite them to wait on the Visitation.

5. The Minister of the Parish in all ordinary Visitations, is to Preach that day before the Presbytrie on his ordinary Text, or Subject, he hath been Preaching upon to the People.

6. The whole Members of the Presbytrie ought to be present; and since they are there judicially to Act; if they have time may do any other business, when they have ended the Visitation, as time will allow.

7. The day come; Sermon ended, the Presbytrie consulted: The Ministers Doctrine, he had in Sermon is first to be considered; as in the Presbyterial Exercise.

8. The Church Bible, Confession of Faith, Acts of the General Assembly, Session Registers, and Poors Box; are all to be produced and laid before the Presbytrie.

9. The Presbytrie, at the entry on the Visitation, having removed the Minister, and Ruling Elder of the Congregation; are to cause read over their Actings at the last Visitation, of that Congregation; and see if what was then recommended, or ordered, hath been made effectual: and if need be, to call in any party for Information, or for Censure in case of neglect.

10. If nothing arise therefrom, to divert the Presbytrie from the ordinary method, All Parties being removed, the Presbytrie are to Call in the Eldership, and Heads of Families and to enquire at them, concerning their Minister, and with all Gravity, and Authority, to charge them, to declare the Truth in the following, and such like Questions.

11. The Questions enquired by a Presbytrie, concerning a Minister, may be these, and such like 1. Hath your Minister a Gospel-Walk, and Conversation before the Congregation? 2. Keeps he much at home, giving attendance to Reading, Meditation, and Prayer, and Study of the Holy Scriptures; or doth he occasion to himself Distractions, and unnecessary diversions therefrom? 3. Preacheth he sound Doctrine, so far as you understand? 4. Studies he to be Powerful, and Spiritual in Preaching sensibly to your Consciences. Or, is he hard to be understood, for his Scholastick Terms, Matter, or Manner of Preaching? 5. Doth he apply his Doctrine, with Authority, and Wisdom, to the Corruptions of the time; especially such as most prevail in that Parish? 6. What time of day, doth he ordinarily begin Sermon, on the Sabbath; and when doth he dismiss the People? 7. Spends he in his Sermons, much time in Repetition of what he had before? 8. Doth he visit the People, and Families at least once a Year, and the Sick when need

need is? 9. Doth he frequently Carehise, and Administer the Sacrament of the Supper? 10. Doth he Administer both Sacraments, according to the Directory for Worship? 11. Hath he Week-days Sermons, and Week days Collections? 12. Hath he a competent Number of Elders, and hath he Deacons in the Parish, distinct from Elders?

12. After these Questions are asked, the Minister is to be called in; and encouraged, or admonished, as the Presbytrie doth see cause.

13. If any thing censurable, and which may occasion a Process against the Minister, be informed by any, then the Presbytrie are to proceed, according to the Directions given, *Sett.* 1.

14. Then the Elders and Deacons being removed altogether, the Minister and Congregation are to be enquired concerning them, by the following, and such like Questions. 1. If the Session be rightly constituted, and all the Elders and Deacons duly admitted, according to the Acts of Assemblies? 2. Do they all attend the Session duly? 3. Do they attend, and are present with the Minister, at the Carechising of the People, and when he visits the Sick? 4. Do the Elders visit the Families within the quarter, and bounds assigned to each; and as the Minister so vorth the Seed, do the Elders seek for the Fruit thereof among the People? Does the Session always appoint a Ruling Elder to attend Presbytries, and Synods?

15. After the Questions, the Eldership being called in, the Presbytrie do commend, exhort, admonish, or reprove, as they think needful.

16. Then the Precentor, School-master, and Clerk of the Session, who in Country Congregations are generally one and the same, and after them the Bedell, being removed; the Presbytrie are to enquire both at the Minister, Session, and Heads of Families concerning their Conversation, their Exemplary Walk, Fidelity and Diligence in their Offices; and the Presbytrie are thereupon to proceed, as the matter requireth.

17. After all these Inquiries, the Presbytrie removing the Heads of Families; the Minister and Elders are to be inquired, concerning the Congregation; with these and such like Questions. 1. Doth the body of the People attend Ordinances duly, and seasonably, and stay till the last Blessing be pronounced. 2. Are they diligent in the improving the means of Knowledge, and are they growing therein? 3. Are they submissive to Publick, and private Exhortations, Admonitions, Reproofs, and Censures when need requireth, and to the Discipline of the Church? 4. Do they by their Words and Actions, manifest a suitable Respect to their Minister, and Respective Elders, and are they encouraging to them in their Work? 5. Are they careful to Educate their Children, and Servants; as well as increase themselves in the knowledge of God. 6. What success hath the Gospel, and Labours of Minister, and Elders among them, in Converting, Convincing, and Building them up in their most Holy Faith? 7. What Scandals; and other Vices, are among them; and if on the growing hand. 8. What Seeds of Heresie, Schisme, or Division are among them.

18. The Presbytrie having got from the Minister and Elders an account of the Spiritual State of the Congregation, and Calling in the Congregation, the Moderator is to direct to the Body of the People, a word of Admonition, Rebuke, Exhortation, or Encouragement, as their need requireth,

19. Then the Minister, Session, and Heads of Families being all present. The Presbytrie is to enquire after the State of the Church, as to its Fabrick, the Seats therein, and Division of the same; the Church-Yard-Dikes, the Uenfles of the Church, Communion Cups, Cloaths, the Ministers Manse, if it be in Repair, the Gleib, Steward, and Salary of the School master?

20. If any of these be not in that order as they should, the Presbytrie are to deal with the Heretors and others, on whom the Law layeth the providing, and Repairing these; that they provide the same, and are prudently to render them willing to the Work; without running needlessly to the last remedy, the Law alloweth, unless necessity require.

21. The Presbytrie are likewise to enquire before all, the State of the Poor, and whether the Collections at the Church-door and the Pools Money by right employed, and be Competent to their Sustainance? And if need be, the Parish Exhorted to enlarge their Charity, or provide some other way for the Poor.

22. When all is done, the Presbytrie indeed, as they ought to Dine in ordinary together; so after a Visitation, they are rather to Dine in some convenient Inn, then in the Minister of the Parish his House, to evite offence.

23. Occasional Visitations of a Parish, are made by the Presbytrie *pro re nata*, and according to the weight of the Emergent, which doth occasion the Visitation: the whole Presbytrie, or such a delegate number, as the Presbytrie thinks fit, do attend the Visitation, and then do only meddle with that Affair, which occasioned their Meeting.

24. All the Actings of the Presbytrie at a Visitation are punctually to be recorded; and if by Delegates a Report made at next meeting of the Presbytrie, and then recorded, if approved.

SECT. VI.

Of Transportation of Ministers.

1. Sometimes Vacant Parishes do call Ministers, who are settled in other Congregations, and Commence a Process of Transportation; wherein the first Steps, to get the Call Legally proceeded and approved by the Presbytrie, in whose bounds the Vacant Parish is; together with the Parish and Presbyteries Commission, to some fit Persons to deliver and procure the Call, before the Presbytrie, where the Minister desired, resideth.

2. No call drawn up to any seiled Minister, desiring his Transportation to an other Congregation, is to be received by him, or entertained, till it come to him by his own Presbytrie.

3. If the Commissioners of the Vacant Parish, come to prosecute the Transportation, in the intervall of the Ordinary Diets of the Presbytrie, and their necessity urgent, and distance great, they may apply to the Moderator of the Presbytrie that he may call a Presbytrie *pro re nata*.

4. Upon which Application, the Moderator may call a Presbytrie, but till it meet, he is not to receive the Call offered, or the Reasons thereof, or transmit either to the Minister called, or to the Parish he belongs unto, or to Cite any of them to appear, till the Presbytrie meet, and consider the Call, and determine the relevancy of the same.

5. The Presbytrie being met, the Commissioners who are to appear to prosecute the Transportation, are (by a Supplication delivered to the Clerk of the Presbytrie) to acquaint the Presbytrie with their Desire, and that they may be heard.

6. The Presbytrie receiving a Supplication, intimating that there is a Call to one of the Brethren of that Presbytrie, are without making any needless delays, to call the Persons applying before them, and enquire for their Commission to represent that Parish, who desires the Minister.

7. If the Commissioners have not a written Commission under the hands of the Heritors and Elders of the Vacant Parish, or the Clerk of their Meeting, the Presbytrie may refuse to hear them any further, or to receive any Call from them; and in that case, there can be no access to these pretended Commissioners, their either appealing, or complaining to the next Synod.

8. If they have a written Commission, and which the Presbytrie sustains, they are to offer the Call, and Reasons of the same, in write to the Presbytrie, desiring that the Call may be delivered to the Minister desired, and that the Reasons may not only be weighed by the Presbytrie, but delivered to the Minister, and sent to the Parish where he doth now reside, that they within a competent time may answer the same.

9. The Presbytrie, on sustaining their Commission, is immediately to receive the Call they offer, and read and consider the same, and at the same Diet to give their Judgement thereanent, as to the relevancy of the same; Yet so, as not to preclude either the Presbytrie, or any Member thereof, or the Minister desired, or his Parish, of any just exceptions against the Relevancy of the Call, which they may alter in Proofs adduce.

10. The Presbytrie, on finding the Call (as to what appareth for present) to be orderly, are to receive and read the Reasons of the Call, and if they find the Reasons of no Weight, as if they find a Transportation desired, from a more eminent Post (and where there is a happy Settlement betwixt Minister and People) to a less considerable Post, the Presbytrie, without proceeding further, may refuse the desired Transportation

poration, and give their Sentence upon the Reasons, without troubling the Minister desired, or summoning the Parish.

11. If the Presbytrie shall find weight in the Reasons, they are then instant, at least at the same Diet, without needless delay, to deliver the Call by their Moderator, to the Minister desired to be Transferred; who is to receive the same out of the Moderators Hands, and likewise the Reasons of the Call, and to be Summoned *apud Aetha*, to appear before the Presbytrie at their next.

12. Providing always there be Ten days given to the Minister and Parish where he is, to prepare themselves to Answer the Reasons of the Call.

13. If the Minister Called be absent from the Presbytrie, then the Ruling Elders of that Parish, if present, is to get the Call, and Reasons delivered to him, and to be *apud Aetha* obliged, to deliver the same to the Minister if at Home within 24 Hours.

14. If both be absent, the Presbytrie is to send the Call and Reasons to the Minister, to be delivered to him by the Presbytrie Officer, or one appointed for that effect; who is to be a Winesles to deliver the same to the Minister, and to give him a Citation to Appear, at the Diet prescribed by the Presbytrie; if the Minister be not at home, that he cannot be personally Summoned, then the Call, Reasons, and Copy of the Citation, are to be left at the Ministers Dwelling House.

15. The Presbytrie is likewise, to cause cite the Hereticks and Elders of the Parish, from which the Transporation is desired, by issuing out Summons, under the Moderator, or Clerk of the Presbyteries hands, directed to the Presbytrie Officer, who is thereupon obliged to make due Intimation and Execution thereof, by Reading of the same audibly, at the most Patent Door of the Church of that Parish, immediately after the Fortnoons Sermon, when the People are coming out of the Church; and thereafter by Affixing a Copy of the Summons on the said Door, before Winesles.

16. If the Officer meet with any Molestation, or Opposition in his endeavouring to Execute the Summons, from any of the Parish; the Summons, notwithstanding are to be reckoned Execute; providing the Minister himself had previous Knowledge, of the Call and Appointment.

17. The Minister, on his receiving a Call and Reasons for his Transporation, is forthwith to convene the Kirk Session, and Communicate the same to them, whereby both Hereticks and Kirk-Session, may have time to consider and answer the Reasons of the Call.

18. The Presbytrie in appointing the Diet for a Minister, and Parish to make their Answers to a Call, are to consider the Ministers circumstances, as if he be not at home, and hath urgent Affairs, which may fall out to be by Appointment of the Church.

19. The Parish who are cited may appear by some of their Hereticks and Elders, and to avoid Confusion, by seven at most, but these needs no Commission in Write, because they are detendants; and being cited, ought to be heard.

20. The *Presbytrie Meeting* at the *Dyet* appointed, to cognosce upon the *Process* of *Transportation* are to fall on it. 1. By Reading of the *Minutes* of the last Meeting, ordaining *Parties* to be Cited. 2. By calling for the *Summons*, issued to the *Kirk-Officer*, to *Summond* the *Parties*, and if they find the *Summons* indorsed, and duly Executed. Then 3. They are to cause the *Officer* Call in the *Parties*.

21. If any of the *Parties* be absent, and excuses made, the *Presbytrie* are to judge the reasonableness of the same, and either proceed or delay the *Affair*, as they find cause.

22. But if all *Parties* be present, the *Moderator* acquainting them of the reason of their being called, desireth them to be silent during reading of the following *Papers* which belong to the *Process*, and so the *Presbytrie* doth proceed: 1. By causing read the Call given to the *Minister* desired. 2. By reading the *Reasons* given in for the Call, desiring the *Transportation*. 3. By reading both the *Minister* and *Parish*, their *Answers* to the *Reasons*, if they have any in write; if not, by hearing these *Defendants* *Answers* by Word, as they themselves think fit.

23. After reading these *Papers*, the *Moderator* of the *Presbytrie* is to enquire the *Possessors*, if they have any thing further to add to the *Reasons* of their Call, or any thing to reply to the *Minister* and *Parish* *Answers*, and if they have it, to allow them to do it by Word, but not Write; and after they heard without interruption, the *Defendants* are allowed to reply to them, being to speak last, without any relying, or further discourse to prevent needless alterations.

24. If the *Possessors* desire a delay to the *Presbyteries* proceeding, or if any of the *Reasons* or *Answers*, on which much of the Weight of the *Affair* doth depend, require the probation of some Matter of Fact, then in such necessary Cases, the *Presbytrie* may delay Determining the *Process* till next Meeting, to receive sufficient Information in the Matter of Fact alleged: But if no such *Reason* for a Delay be, the *Presbytrie* is to proceed, to deliberate upon the whole *Affair*, all *Parties* being removed.

25. If the *Affair* be intricate, and *Reasons* on both sides Weighty; after the *Presbytrie* hath among themselves reasoned, *hinc inde*, it may be fit, before the *Question* be put to a decisive Vote, to call in both *Parties*, and again enquire, if they have any new Matter to offer, which hath not fallen under consideration in the Case? And likewise, that so momentuous a Case, may be the more conscientiously gone about; it will be fit that some *Ministers* of the *Presbytrie* do pray to God (all *Parties* being present) that the *Judicatory* may be guided of God in their Determination; and thereafter (*Parties* being removed) the *Question* is to be put; *Transport*, or not: and all the *Members* are to give their Vote distinctly; which are to be marked by the *Clerk*, and a Member or two taking notice of the right marking of the same.

26. If much of the Weight of the *Affair*, and that part which doth most difficult the *Presbytrie*, in giving their Judgement, ly on the *Minister*, who is to be transported his own Sentiment; he may be called before the *Presbytrie* his alone, or before two or three of their Number, and

deal with to gain him to a contented Submission to their intended Sentence, to prevent his being crucified by it.

27. And the Presbytrie, when they are going to transport any Minister, for the greater good of the Church, are to be tender and condescending to the Minister, as to the time when he is to remove, or to cloath their Sentence with alleviating Circumstances.

28. After Sentence is past, and all Parties called in; the Moderator is to shew them the care the Presbytrie hath taken to do justly in their Proceedings, and to entreat them all to a cheerful Submission to the Sentence, which is to be read to them by the Clerk, who is to record the Sentence, and the whole Process, and to give Extracts of the same, to these who demand them.

29. If both Parishes Competing for a Minister, be within the Bounds of the Presbytrie; then in that case, there ought to be no Appeal from the Presbytrie to the Synod; but the Sentence is to be acquiesced in; seeing the Presbytrie that doth best know the State, and quality of both Parishes, and hath equal care of them cannot be suspected of partiality.

30. If any party Appeal in the case of Transportation, before the final Sentence, upon alleged Injury received, the Presbytrie not being Conscious of the same, may proceed to determine the Affair notwithstanding.

31. If any party Appeal, yet it cannot fit the Execution of the Sentence, but shall only have the force of a protest, for remedy by the Synod, to which they may apply to by Supplication.

32. In all Votes of Presbyteries, and especially in Transporting of Ministers, all the Members would guard as much as can be against Voting *non liquet*, which tho sometimes may be done Conscienceously, yet the frequency thereof, may occasion Suspicion of Mens being Acted, by Policy, Fead, Favour, or other by-ends.

33. All Presbyteries would endeavour, not only a speedy determining a Process of Transportation; but would always determine it themselves, without referring the Affair to the Synod, it being a Duty that a Presbytrie is Called to, to give their Judgement in the Affairs that come before them; and nothing but unsuperable Hesitation of their Judgements, as to point of Light should occasion it.

34. Its highly rational, that in all References from the Presbytrie to the Synod, that the Presbytrie should have no Vote in the Synod in that, Because they were in a Hesitation in the same, and this will effectually hinder References, at least the frequency thereof, and prevent their Trouble thereby.

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SECT. VII.

Of Granting an Act of Transportability to a Minister.

1. **I**f sometimes falls out that a Minister, after he is fixed to a Congregation, meets with such Discouragements, in the Exercise of his Ministry there, as that he himself, or some other upon his Account do apply the Presbyrie of the Bounds; and commence a Process for an Act of Transportability.

2. When the Presbyrie hath got Information of the Discouragements and Grievances the Minister lyeth under, they are first to consider, if they be so weighty and considerable, as may give just ground to interdict this Process, all Circumstances being considered: and if they find them not so material, they are to deal freely and prudently with the Minister, to take some more private ways with the People for his Relief, and not to inflame them with a Process.

3. Next the Presbyrie is to consider, if the Grievances be such, as the body or generality of the People are guilty of; and such as hinders the greater part of them, from getting good of his Ministry: for if it be only a few, the guilty are to be taken to task, and these proceeded against, as the matter requireth, and no Act of Transportability intended against the Parish.

4. The Presbyrie is likewise to consider if the Grievances be peculiar to the Minister, or if they be more general, and the Grievances of many; as Opposition on the account of some bad Principle, either in Doctrine, Worship, or Government; which many other Ministers meet with: In that case, a particular Presbyrie are not to make it the occasion of such a Process, till the whole Church take some general course therein.

5. And indeed the only case (almost) in which this Process is to be allowed, is when the Minister Labours under unupportable Grievances, and these such, as the Ministers longer stay there, will tend neither to the Edification of the People, nor Comfort of the Minister.

6. If the Grievances be indeed weighty, The Presbyrie is to consider and try at the Minister, what methods he himself hath taken with the People, or his Session, to get remedied; and if hath not used all prudent ways to get them removed, he is to be Exhorted therunto.

7. And tho all he hath done, hath been ineffectual, yet the Presbyrie may appoint, two or three of their Number, to speak to the Heritors and Elders, and others of that Parish; that by private and Friendly Advices, and Communications, the Grievances may be removed, and the Minister Encouraged, and Strengthened in his work.

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8. If all these, and other prudent Methods, to prevent a publick Process, cannot be effectual, then the Presbytry is to appoint a Presbyterial Visitation of that Parish *prorenata*; and not only cause intimate to that Parish the same; but cause cite the Parish, to Answer the Process of Transportability of their Minister.

9. For the more decent, and convenient Intimation of this; it were fit that the Presbytry did send one of the Brethren, to Preach there, the Sabbath preceeding, and to give the said Intimation and Citation.

10. When the Day for the Visitation is come (and all other things, common to all Visitations past) the Minister is to be heard concerning his Grievances, and the case of the Parish, and his Grievances received from him in writ: Then (he being removed) the Eldership first, are to be heard as to the state of the Parish, and the Grievances of the Minister, or as to what they have to say against the Minister; then next the Heritors, and Heads of Families are to be called in (and both Minister and Elders removed) and they enquired at ancient the Doctrine, and Life of their Minister, and the Life and Actings of their Elders.

11. The Presbytry is likewise to inform both the Elders and the People, of the Ministers Grievances, as Reasons of the desired Act of Transportability, and to ask and receive their Answers, according to which they are to proceed.

12. If either the Elders, or others of the Parish, who are most concerned in the things complained of, desire time to give in their Answers, or bring proofs of their Innocency, it is to be allowed to them.

13. If on hearing of them, all the Presbytry find that the Minister hath not Communicated his Grievances to the Session, and others concerned in a friendly and private way, before he be brought it to the publick, he is to be Admonished and Rebuked.

14. If the Eldership when they knew the Grievances, have not endeavoured the Redress of them, as much as lay in their power, they are to be Rebuked by the Presbytry, according to the demerit of their neglect.

15. If the Presbytry find ground to fear Heats, and Irritations in this Affair, to prevent the same, they may rather appoint one of the Brethren of the Presbytry, to manage the Process, and lay open the Grievances, when the People are present then the Minister himself, that his future edifying the People, may not be altogether impeded.

16. Seeing there is no Ecclesiastick Process, where delays can be held noxious then this, therefore so long as there is any probability, that conference and dealing privately may conduce to prevail, either with the Minister or People it is to be done: and especially when desired by both, or either Parties.

17. If the Generality of the People protests a Readiness, to be encouraging to the Minister, tho that do not remove the Grievances, yet the Presbytry is not to be hasty in granting the Act.

18. For no Act of Transportability is to be granted, unless the Presbytry find the People (or such as the considerable part thereof, as to render the Ministers being there, undeciding to the whole) to be shortly coming

coming in their Duty, and that in these things, which ought to be weighty to the Minister, and are indeed so unsupportable to him, as that they are crushing, or in all probability in a short time will be so.

19. The Act of Transportation, being occasioned by the Peoples fault, the Minister who hath obtained it, is not thereby to be prejudged, and therefore is to remain Exercising his Ministry still there, and receiving the Stipend, untill being called elsewhere he leave the place.

20. A Minister after he hath this Act of Transportation, remaineth still a Member of that Presbytrie, is under their Jurisdiction, and Censurable by them.

21. And if he get a Call to another Congregation, he is only to receive the same through the hands of the Presbytrie, he not being *suus iuris* as to them, tho he be as to the Parish.

22. And in such a Process of Transportation, the Parish which the Minister belongeth to, needs not be summoned, nor can they give in reasons against the same.

23. All the Steps of this Process are very cautiously to be gone about; and ought very rarely to be practised.

24. If after such an Act of Transportation, the Cause of the same be removed, and the Parish rectify the Grievances, then the Act is to be annulled; and care taken that no Remembrances of these uneasy things be kept up.

SECT. VIII.

Of Censuring of Ministers.

1. **A**LL Processes against any Minister, who hath the Charge of a Congregation, are to begin before the Presbytrie to which he belongeth, and not before the Kirk Session of his own Parish.

2. The Credit and Success of the Gospel (in the way of an ordinary Mean) much depending on the entire Credit and Reputation of Ministers sound Doctrine, and holy Conversation; no stain thereof ought lightly to be received, nor when it comes before a Judicatory, ought to be negligently enquired into; or when found evident, ought it to be slightly censured.

3. And because a Scandal committed by a Minister, hath on that account many Aggravations, and once raised, tho it may be found to be without any ground, yet is not easily wiped off: Therefore a Presbytrie would exactly ponder, by whose Information and Complaint it comes first be-fore them. And a Presbytrie is not so far to receive the Information, as to proceed to a Citation of a Minister, or any way begin the Process, unless there be, 1. Some Person, who under his hand give in
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the Complaint, and undertake to make out the Libell. 2. Or at least do before the Presbytrie undertake to make it out, under pain of being censured as Slanders. 3. That the *fama clamorosa* of the Scandal be so great, as that the Presbytrie for their own Vindication, see themselves necessitate to begin the Process, without any particular Accuser.

4. All Christians ought to be so prudent, and wary in accusing Ministers, of any censurable fault, as that they ought neither to publish, nor spread the same, nor accuse the Minister before the Presbytrie, without first acquainting some of the most prudent of the Ministers, and Elders of that Presbytrie (yea, and the Minister himself, if they can have access thereto) and their Advice got in the Affair,

5. Upon such a Complaint, brought before a Presbytrie, the Presbytrie having cited the Minister, if he be absent, and if the Scandal alleged be some one Act, is to endeavour to draw the Minister to a Confession whereby he doth most glorifie God.

6. If the Minister do confess the Fact, and if it be of a Scandalous Nature, censurable in others, as uncleanness; the Presbytrie, whatever be the measure of his Penitency, even in his Confession, and that to the Conviction of all, is *instant* to depose him *ab officio*; and to insist likewise the Censure of the lesser Excommunication on him, under which he is to lye, not only till he apply to be relaxed, but till the Presbytrie judge it to be both for his and the Peoples Edification, that he be relaxed.

7. If a Minister accused of any Scandal, and cited to appear before his own Presbytrie, do absent himself, by leaving the place, and be contumacious, without making an excuse, or pretext; he is to be holden as confess, and not only deposed, and censured *instant* with the lesser Excommunication; but if after some time, he do not return, and subject himself to the Censures of the Church, he is to be proceeded against, till he be censured with the greater Excommunication.

8. If the Minister accused do appear, and deny the Fact, in the Presbyteries proceeding, to find the truth of the Matter, all the Circumstances are to be exactly Canvassed, and the Quality and Reputation of the Witnesses, and their Hability more regarded, than their Number.

9. If the Matter laid to the Ministers Charge, be unsoundness and Heretodoxie in his Doctrine, then great Caution would be used, and the intelligence of the Witnesses much looked unto; and withall, if the Errors be not gross, and striking at the Vitals of Religion, and if they be not pertinaciously stuck unto, and industriously, and maliciously spread, with a visible design to corrupt; and that the Errors, are not spreading among the People, Then Lenitives, Admonitions, Instructions, and frequent Conferences are to be used to reclaim, without cutting off. And the Advice of other Presbyteries sought, and unless the thing be doing much hurt, Synods and Assemblies to be advised with in the Affair.

10. If the Lybel and Complaint, brought against a Minister, be a multitude of things laid together, as several Acts of Negligence, and other unsuitable Actions, the Presbytrie in proceeding therein, are to have a Presbyterial Visitation of that Parish, to which the Minister belongs;

longs; and at the said Visitation, are first to see if any of these things now laid to the Ministers Charge, were committed prior to the last Presbyterial Visitation of that Parish, and whether they were then laid to his Charge? and if they were not, it would be tried, how they come to be laid to his Charge now.

11. If the Presbytrie find these things laid to his Charge, to be committed since the last Visitation, or find a satisfying Reason, wherefore they were not then Tabled; are to enquire what Diligence hath been used, in acquainting the Minister with the Offence taken, at the first of these things committed by him; and how far the Minister hath been guilty of giving Offence, after he knew Offence to be taken.

12. It would likewise in this case be enquired, whether any of the Complainers did in a prudent private way, inform any of the Neighbour Ministers of some of these things, first committed by their Minister, who is now challenged, before these Offences came to be so many as to Merit a publick and solemn Tryal? and accordingly the Presbytrie is to Judge.

13. If the Presbytrie find upon Trial, the Complaint to resolve, on the Ministers having committed such Acts of Infirmy, or Passion, as considering all the Circumstances, may be either remedied, and the People satisfied, and no such Offence taken; or at least remain so, as to hinder the Ministers profiting the People; and that the Offence was taken by the Ministers own People only, or mainly; then the Presbytrie is to take all prudent Ways to satisfy, and reclaim both Minister and People, and do away the Offence.

14. If the Presbytrie find a considerable number of the Parish concerned in the Complaint, and that there are such animosities, heats, and prejudices occasioned, as that its more than probable, that the Minister will not be useful in that place; and that the things done by the Minister, are at least so far *scandalum acceptum, non datum*, as that the Presbytrie cannot proceed to the Censure of Deposition against the Minister, thinking he may be still useful elsewhere; then, tho the Presbytrie is to have a tender regard to the Credit of a Minister, so they are to have that fatherly and pastoral Care and Compassion to a flock, who, tho without a reasonable Cause, and by their own Fault, and unreasonable aggravating of things above their nature, are rendered so offended at their Minister, as that they cannot be edified, but are daily stumbled at him; as that the Presbytrie by laying themselves out, are to endeavour to post that Minister elsewhere, with his Credit, and to ease the weak Consciences of one of Christs Flocks; which sometimes will be done by granting to the Minister an Act of Tranfportability.

15. But sometimes where the prejudices are very great, and the Remedy must be speedy, it will be necessary for the Minister to give in a Dimission of his Relation to that Parish, and for the Presbytrie to accept of the same; and it need be is to deal with the Minister to give the same, which all tender Ministers will do, when they are so circumstantiated.

16. If a Minister depofed by the Presbytrie for Scandal, and lying under the Censure of the lesser Excommunication, when applying to be Relaxed, the Presbytrie are to be very well satisfied of his sincere

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Repentance, and deep Humiliation, the Wound being great which he hath given to the Church, and to proceed deliberately, and take time thereto.

17. When he hath given the Presbytrie, and all the People about, some satisfying Demonstrations of his Penitency, he is to be Relaxed from the Censure of the lesser Excommunication, under which he lay, without proceeding any step, to the taking off the Sentence of Deposition at that time.

18. Before a Minister Deposed for Scandalous Carriage, can be restored to the Exercise of the Ministry, there would not only be evident, a deep Sorrow for Sin, but an Eminent, and Exemplary, Humble Walk, and Edifying Conversation, so apparent and convincing, as hath worn out and healed the Wound the Scandal gave, and hath likewise created in the Minds of the Godly, an earnest desire to have him rendered useful again.

19. And this Affair, of Restoring a Deposed Minister, is to be tenderly considered, as that before it be done by a Presbytrie, they are to weigh, what Reputation their Action will have, even amongst the Wicked, and if it will open their Mouths, and harden them in their wicked Courses, ought thereupon to be forborn.

20. Immediately on the back of a Ministers being Deposed, by the Presbyrie, the Sentence is to be intimated in his Congregation, the Church declared Vacant, the planting thereof with an other Minister hastened, and never delayed on the expectation of his being Repented, it being almost Impossible that ever he prove useful in that *Parish* again.

SECT. IX.

Of Appeals, from a Kirk-Session to the Presbytrie.

1. **W**Hen an Appeal is brought from a Kirk Session to a Presbytrie, the Presbytrie is to consider, whether the cause is of that nature, as it be moved at length to have come before the Presbytrie, by the course of Discipline, before the final determination thereof; as if it be in a Process of alleged Adultery or such like; then the Presbytrie to save themselves time, may fall upon the Consideration of the Affair, without insisting much upon the *bene or male Appellatum*, tho it seem to be preposterously Appealed.

2. But if the cause be such, as the Kirk Session are the competent and proper Judges of, even to its ultimate Decision; and if there hath been no cause given by the Kirk Session, by their breaking the Rules of an orderly Process, either by the course of the Process, or by the incompetency of the Censure, the Presbytrie is not to sustain the Appeal.

3. If the Presbytrie do not sustain the Appeal, and find there hath been some fault, Passion, or culpable mistake in the Appeal, the Presbytrie is to inflict some Censure, (such as a Reproof before the Presbytrie, an acknowledging of their precipitancy before their own Session, or such like,

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like) on these Appalers, they find to have been Litigious, and Malicious, thereby to prevent unnecessary Appeals, and that beside remitting them back to the Session, either to stand to the Censure of the Session, if it be already inflicted, or to sit themselves during the Process, if it be depending.

4. If the Appeal be sustained, and yet upon proceeding on the Cause, the Presbyrie find the Appellant Censurable, it is always to be minded, that whatever Censure be inflicted, to remove the Offence the Presbyrie hath taken, yet the Appellant found guilty, is to undergo a Censure, either before the Kirk-Session, or Congregation he belongs to, such as the Presbyrie think he deserveth; else Presbyteries will be always troubled with Appeals.

5. If on the other hand, on trial of the Process, the Presbyrie find the Kirk-Session hath unwarrantably proceeded, either in contributing to the raising of a Scandal, or inflicting a Censure, without a sufficient Cause, and thereby the Appellant lesed, the Presbyrie is not only to absolve the Appellant, but to take such ways as may be proper and effectual, to vindicate the Appellants innocency, and wipe off the Scandal taken at him.

6. Herein the Presbyrie is to exercise great Prudence, doing Justice to the Innocent; and yet not so spitting in the face of the Kirk-Session, as to weaken its Authority in that Congregation.

7. But such an Emergent, may very well occasion the Presbyteries giving the Minister, and these Elders of that Session, saveable Injunctions and Rules to walk by, or private Admonitions, or to call for a fresh Visitation of their Session Register.

8. If the Appellant do not by a Petition bring in his Cause, and Process before the Presbyrie, before the third Presbyrie Meeting rise, his Appeal shall *ipso facto* cease, and the Appellant held as consumacious, and so proceeded against by the Kirk-Session.

SECT. X.

Of References made by the Kirk-Session, to the Presbyrie.

1. THE Kirk Session, having the opportunity of frequent Presbyteries, do oftentimes make References to the Presbyrie, which References, are sometimes for Advice only; sometimes they are of the Cause, or Process itself, and the full Judgement thereant, is entirely referred to the Presbyrie.

2. These References for Advice, are sometimes made, that thereby the Kirk Session may get more light in the Affair, and sometimes that their Opinion they have, may be fortified by the Advice of the Presbyrie, as Persons of greater Judgement and Weight, whereby the Kirk Session Determination may be the more regarded.

3. These References for Advice, reserve always the cause in the hands of
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of the Kirk Session, and they only sit their proceeding to a Sentence, till the Advice be had.

4. Sometimes a Kirk Session referreth a Cause or Process entirely to the Presbytrie, to be finally Determined by them; and that the Kirk Session doth, either because they find difficulty in point of light, as to what they should do; or because, tho they be clear as to what should be done; yet some prudential Consideration makes them think it not convenient, that they should be the doers themselves.

5. The Presbytrie receiving any such References, are to give the best Advice, and Assistance they can to the Session, thereby to fortify and support their Authority, for the bearing down of all disorders. And if the Presbytrie find, that their passing Sentence or Censure, will have the greatest Weight, and most true Influence, than they are to do it; tho the censure be to be intimate in that Congregation, the Kirk Session belongeth to, and the satisfaction taken there, if it be a matter of Scandal.

6. But sometimes it will fall out, that the Presbytrie, even when the reference is to determine entirely, will find it fit, to refer back the Determination of the affair to the Kirk Session, that the Sentence may be their Act; which should only be done, when it will be more obliging, or for the credit of the Session, that the Kirk Session pass the Sentence; and then likewise the Presbytrie should give their opinion, as to what the Sentence should be.

7. All References, being supposed to be matters of moment to the Kirk Session; should not only be minuted, in the Kirk Session Register; but should be transmitted in writ to the Presbytrie, and by the Presbytrie Clerk, the production thereof, when presented, should be recorded; as likewise the Presbyteries return.

SECT. XI.

*Of Censuring such Scandals, as are so gross,
as that the Kirk Session doth not ab-
solve from; as Adultery.*

1. **T**HE Presbytrie being informed of a Reference, from a Kirk Session by the Minister, or Ruling Elder of that Session, concerning such a Scandal, is to enquire what Steps have been taken by the Kirk Session already in the Affair; if all that are requisite for them, preparatory to the Presbyteries Cognisance, and if so, then the Presbyteries to allow the parties to be summoned before them.

2. Sometimes it will fall out, that the Process is so clear, as in case of a Judicial Confession of Adultery; that the Kirk Session will summon the

the Penitent (when he is before them) *apud Aethi* to appear before the Presbytrie, without previous acquainting the Presbytrie; but where there is any difficulty, the Kirk Session should inform the Presbytrie, and take their Advice before a Party be 'unmomed before them.

3. When the Party appears before the Presbytrie, if they confess, and protest Peniency; then the Presbytrie, having Rebuked the Party gravely, is to prescribe the time of the Parties publick Appearance in that Congregation, where the Process began, the Scandal being to be there taken away.

4. Sometimes when a Scandal hath been very Offensive to a whole Country; the Presbytrie hath appointed the Scandalous Person to appear before several Congregations, if they find it for Edification.

5. Beside the Rebuke, which the Presbytrie gives to the confessing Penitent at their first Appearance before them, its frequent and very useful, that the Presbytrie appoint the Penitent party, to wait on some one or two of the Ministers of the Presbytrie, who may in conference lay the Sin home to their Conscience; and likewise in private draw more of the Sense which the person hath of their Sin, then they can expect in words in Publick, and this is to be renewed as they find need.

6. If the party cited before the Presbytrie, deny the Fact, then the Presbytrie is to follow the Rules in their proceeding, given *Chap. 1. Sect. 5. Chap. 2. Sect. 6 &c.*

7. Yet the Presbytrie may either lead the Probation before themselves, or remit it to the Kirk Session, as in prudence they will find most convenient.

8. The Presbytrie is to give Advice to the Kirk Session in any thing they commit to them in such an Affair; especially as to the Abolition of the Party.

SECT. XII.

Of a Process in order to the highest Censure of Excommunication.

1. Since there is a Distinction allowed, betwixt the greater and lesser Excommunication, it seems that what ever hath been the Causes of the first Process, Yet ordinarily all Processes that are in order to the highest Censure, are to be for obdured Contumacy, and where there is no obdured Contumacy, the lesser Excommunication needs only have place.

2. Yet in some very extraordinary Cases, the Church hath summarily Excommunicated Persons, guilty of Atrocious Crimes, to shew the Churches abhorrency of the Crime.

3. It would be previously considered, what the ground was of the first Process, for every contumacy is not to be proceeded against with the greater Excommunication, especially when and where there arise such differences

differences about the Government of the Church, as that there is a party who do not own the Government thereof, and yet own the Religion, and join in publick Worship.

4. In these a great Caution would be used, and the Edification of the whole, and particularly the gaining of the Refractory, would be much studied by all persuasive Motives, since it seems to be only these, who have fully associated themselves to their Christian Society, who are to be Expelled by them.

5. Even where there hath been a Scandal committed, and Contumacy by not appearing, it would be considered, if the Fact hath been proven, or not, if not proven, then the Scandal hath not weight, and only the simple Contumacy is to be proceeded against, where with it were hard to go a greater length then the lesser Excommunication.

6. If the Scandal hath been proven, and the Censure of the lesser Excommunication intimated, as in the preceding Overtures, *Chap. I. Sect. 9.* It seems most reasonable, that there be no further proceeding, unless the Scandal be of that Hainous nature, as that Offence is not removed, from tender Christians, and that it is spreading and Infectious, as in Heresies; In which cases, a contumacy is to be proceeded against, in order to the greater Excommunication.

7. The Kirk-Session, having brought the Process to an Intimation of the Censure, of the lesser Excommunication, and finding it will not be sufficient; they are to refer the Affair to the Presbytrie, bringing their whole proceedings before the Presbytrie, that the Presbytrie may thereby have a clear and full view of the whole Affair.

8. The Presbytrie finding the Kirk Session hath orderly proceeded, and that the Affair is so weighty, as to enter on the Process; they are to cause their Officer, to cite the Scandalous Person.

9. If the Party appear, then the Presbytrie is to proceed in their enquiry at the accused about the Scandal alledged, if he deny it, then they are to proceed to lead Probation, as in other cases.

10. But if the Party appear not, but condemn the Citation, the Presbytrie causeth renew the same, untill he hath continued three Citations, the last whereof, useth to have been out of the Pulpit by the Minister of the Congregation he belongeth unto.

11. Then the Presbytrie doth order the Minister of the Congregation, next Sabbath after Forenoons Sermon, to acquaint the Congregation, what proceeding the Kirk-Session first, and then the Presbytrie had made in the Affair, and how contumacious the party was, and that the Presbytrie intended to proceed, to the highest Censure: And the Minister is gravely to admonish, and warn the Party (whether present or not) to Repent and submit himself to the Discipline of the Church, Threatning him if he continue Impenitent that the Church will proceed.

12. If notwithstanding of all this Impenitency and Contumacy continue, the Presbytrie at their next Meeting is to order the Minister of the Parish to intimate to the Congregation (after the Forenoons Sermon) the dangerous Condition the Impenitent person is in, how loath the Church is to cut him off from the Society and privileges of the Faithful, and therefore

therefore they are Exhorted to join with him in Prayer for the Scandalous person, which he is solemnly and seriously to be put up to God, Humbly begging that God would deal with the Soul of the Impenitent, and convince him of the evil of his ways.

13. These publick Prayers of the Church are to be put up oftner then once, ordinarily three times on severall Sabbath Days, both to shew the Churches tenderness toward their Lapsed Brother, their Earnestness to have him Reclaimed, and likewise to create a greater Regard, and Terror of that dreadful Censure both in the Party and in all the People.

14. If after all the Scandalous person make no Application but continue Impenitent, the Presbytrie is then to appoint the Minister of that Congregation to proceed to inflict the Censure of Excommunication on such a Sabbath after Forenoons Sermon as they shall name.

15. That Day being come, It were fit the Minister did Preach a Sermon suited to that Solemn occasion, after Sermon the Minister is to shew the Congregation, what he is going about, introducing the Narration of the Process, with a Discourse concerning the Nature, Use and End of Church-Censures, particularly that of the greater Excommunication, if he hath not done it fully in his Sermon.

16. Then narrating all the steps of the Process in order, shewing the Churches Faithfulness and Tenderness toward the Scandalous Person, and declaring his obdurate Impenitency, and that now after all other means were used there remained only that of cutting the Scandalous Person off from the Society of the Faithful, and intimating the Churches Warrant and order to him so to do.

17. And before the Minister pronounce the Sentence he is to Pray, and desire all the Congregation to join with him therein, that God would grant Repentance to the Obdurate person, would Graciously Bless his own Ordinance, and make the Censure effectual both to edify others, and to be a mean to reclaim the Obdurate Sinner.

18. Then after Prayer the Minister is with great Gravity and Authority to inflict the Censure, shewing his Warrant from our LORD'S Command, and the Apostle *Paul's* Direction, and recapitulating the Presbyteries Warrant in Obedience therunto, and Returning the Scandalous and Obdurate Behaviour of the Person whom he is to Name: He then in our LORD and Master CHRIST'S Name and Authority doth (*in verbis de praelentis*) Excommunicate and Exterminate him out of the Society of the Faithful. Debarring him from their Privileges, and in the words of th: Apostle delivering him over to *Satan*.

19. If after Prayer and before the Censure be pronounced the Scandalous Person do make any publick signification of his penitency, and of his desire to have the Censure stoppt, the Minister upon any Apparent Seriousness in the Scandalous Person (which he sheweth to the Congregation) may thereupon delay the pronouncing the Censure till he Report to the Presbytrie at their next Meeting, who are then to deal with the Scandalous person as they shall find cause.

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SECT. XIII.

Of Presbyterial Exercises.

1. **I**T's a part of the Work of a Presbytrie, to begin every Meeting, with a Sermon, by one of the Brethren, appointed by the former Meeting of the Presbytrie for that effect, and his Text assigned him by the Presbytrie, which is called a Presbyterial Exercise.
2. The half of the time allowed for this Exercise, is ordinarily to be taken up in the Explicatory and Analytick part of the Sermon, and in answering Textual and Critical Questions and Difficulties, which is called *Making*: the other half of the time allowed, is to be taken up in raising of Observations and Doctrines from the Text, one of which, at least is to be methodically handled which is called *Adding*.
3. When Presbyteries have Probationers on their Tryals, and they come to have that part of their Tryals, called the *Presbyterial Exercise*, they will and may allot to one of them, to have that part of the Exercise, called *Making*; and to another that part, they call *Adding*; or when there is but one Probationer, sometimes one of the Brethren of the Presbytrie:
4. After the Exercise is over, and the Presbytrie met in their own Meeting Place, and the Meeting constituted, the Censure of the Exercise they have heard, which always to be the first Work of the Presbytrie
5. The Brethren of the Presbytrie are to give their Judgements, and Censures of the Exercise heard, *coram* th. Brethren, who had the Exercise, not only to evidence their love and affection, and freedom in the Censure, but to give him the better, and present opportunity to answer, and vindicate, and explain himself: and this freedom will always be obliging, since it goes round, and is for mutual Edification, amongst these who are not to take exceptions against one another, on the account of freedom, were it in reproof
6. After the Censures have past round, the Moderator may resume the whole, to the admonishing and encouraging of the Brother, as the cause requireth.
7. Beside the above Exercise, they ought in Presbyteries, frequently to have *Common Lects*, as they are called, by the Brethren of the Presbytrie in Latine with Disputes: But if it be *coram populo*, in *Scotish*.
8. The Presbyteries are in these Exercises, to keep their ordinary Place of Scripture, and proceed orderly from Verse to Verse.

SECT. XIV.

Of privy Censures in the Presbyteries.

1. **I**N every Presbytrie, at least twice a year, and ordinarily before each Synod, there ought to be privy Censures.
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2. In these, the Moderator, and all the Ministers, Brethren of the *Presbytrie*, and their Clerk are to be censured.

3. In the Censure of the Moderator, who have served (as is ordinary) since the last Synod; his publick Behaviour as a Moderator, is under the *Presbyteries* Consideration and Censure; where after he is removed, his Carriage is enquired after, and the Judgement of every Member enquired; not only for his sake, but to be Instruction to these who succeed him in the Office; and after he is again called in, he is to be encouraged, thanked, or admonished, as they find cause.

4. After the Moderator, each of the Brethren. one after another are to be removed, one at once, and the Moderator is to enquire the Judgement of each Member, and to take their report of their Brothers Carriage and Behaviour, either in relation to his Charge, or otherways, according to the Trial at the Visitation of the Parishes, by the *Presbytrie*; and then he is to be called in, encouraged, commended or reprehended, as they see fit, and be set in his place again.

5. After the Ministers, the *Presbytrie-Clerk* is to pass these Censures, and the *Presbytrie-Book* again to be inspected; that the fair clean Register may be filled up, and ready to be presented to the Synod, for their Approbation.

6. Here the *Presbytrie* should appoint some of their number, to revise their Register, in order to its being presented to the Synod, and of which, the Moderator during the time he hath been so, should always be one.

7. At their privy Censures, each Minister is to have his Session-Book, or Register to produce to the *Presbytrie*, to be by them revised, and approved, or censured; which they are to do, by committing each Book, to some other brother, or two, to be revised by them, and their Report brought in to the *Presbytrie*: who are thereupon to Act, as they shall see cause.

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